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REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 24, Issue 22
May 26, 2000

Pages 7,570 - 7,770

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April	14, 2000 - Issue 16: Through	March	31, 2000
July	14, 2000 - Issue 29: Through	June	30, 2000
October	13, 2000 - Issue 42: Through	September	30, 2000
January	19, 2001 - Issue 3: Through	December	31, 2000 (Annual)

REGISTER PUBLICATION SCHEDULE 2000

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 27, 1999	January 7, 2000	Issue 28	June 26	July 7
Issue 2	January 4, 2000*	January 14	Issue 29	July 3	July 14
Issue 3	January 10	January 21	Issue 30	July 10	July 21
Issue 4	January 18*	January 28	Issue 31	July 17	July 28
Issue 5	January 24	February 4	Issue 32	July 24	August 4
Issue 6	January 31	February 14**	Issue 33	July 31	August 11
Issue 7	February 7	February 18	Issue 34	August 7	August 18
Issue 8	February 14	February 25	Issue 35	August 14	August 25
Issue 9	February 22*	March 3	Issue 36	August 21	September 1
Issue 10	February 28	March 10	Issue 37	August 28	September 8
Issue 11	March 6	March 17	Issue 38	September 5*	September 15
Issue 12	March 13	March 24	Issue 39	September 11	September 22
Issue 13	March 15	March 26	Issue 40	September 18	September 29
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Issue 17	April 10	April 21	Issue 43	October 16	October 27
Issue 18	April 17	April 28	Issue 44	October 23	November 3
Issue 19	April 24	May 5	Issue 45	October 30	November 13**
Issue 20	May 1	May 12	Issue 46	November 6	November 17
Issue 21	May 8	May 19	Issue 47	November 13	November 27**
Issue 22	May 15	May 26	Issue 48	November 20	December 1
Issue 23	May 22	June 2	Issue 49	November 27	December 8
Issue 24	May 30*	June 9	Issue 50	December 4	December 15
Issue 25	June 5	June 16	Issue 51	December 11	December 22
Issue 26	June 12	June 23	Issue 52	December 18	December 29
Issue 27	June 19	June 30	Issue 1	December 26*	January 5, 2001

* Tuesday 12 noon deadline following a state holiday.

** Monday publication date following a state holiday.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Back Wage Claim Administration

2) Code Citation: 80 Ill. Adm. Code 331

3) Section Numbers: Proposed Action:
331.40 Amended
331.70 Amended

4) Statutory Authority: Implementing and authorized by 20 ILCS 405/64.1.

5) A Complete Description of the Subjects and Issues Involved: Section 331.40 is being amended to comply with 20 ILCS 405/64.1(m) which states that Attorney General certification is only required for claims in which the Attorney General has filed an appearance. Section 331.70 is being amended to delete the requirement of certified mail, return receipt requested.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield IL 62706
217/782-9669

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 331

BACK WAGE CLAIM ADMINISTRATION

Section

- 331.1 Definitions
- 331.5 Entitlement
- 331.7 Basis for Back Wage Claim
- 331.10 Application
- 331.20 Timeliness
- 331.30 Mitigation
- 331.35 Withholding
- 331.40 Claim Approval
- 331.45 Claim Disposition
- 331.46 Notice of Dismissal
- 331.48 Duplicate Claims
- 331.50 Limit of Liability
- 331.60 Funding
- 331.70 Payment
- 331.80 Waiver
- 331.90 Appeal
- 331.100 Interpretation and Application of this Part

AUTHORITY: Implementing and authorized by Section 64.1 of the Personnel Code [20 ILCS 405/64.1].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 3285, effective January 22, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 12907, effective August 1, 1986; amended at 24 Ill. Reg. _____, effective _____.

Section 331.40 Claim Approval

The Director shall obtain written certification by the chief officer of the employing agency that: the claim is valid; the amount claimed is proper and mitigated under Section 331.30 if appropriate; and the fiscal year and its lapse period for the period of back wages claimed have expired. Upon receipt of such certification, if the Attorney General filed an appearance in the proceeding concerning the wage claim settlement or judgment, the Director shall seek and obtain written certification by the Attorney General of the validity of the claim. No claim shall be paid in the absence of such certification by the Chief Officer and/or the Attorney General.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 331.70 Payment

The Director shall forward by regular certified mail, ~~return-receipt-requested~~, the warrant drawn in payment of a claim to the claimant in care of the claimant's representative, if any, or to the claimant. The claimant shall be responsible for providing the Department with her or his correct address.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.280
Proposed Action:
Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.280, Designated Rate, the annual salary for the Private Secretary II position is being increased from \$49,008 to \$51,900 at the request of the Illinois State & Local Labor Relations Board.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes
- | Section Numbers | Proposed Action | Ill. Reg. Citation |
|---------------------------|-----------------|--------------------|
| APPENDIX A, TABLE J Amend | | 24 Ill. Reg. 2508 |
| 310.280 Amend | | 24 Ill. Reg. 4292 |
| 310.280 Amend | | 24 Ill. Reg. 5802 |
- 10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601
- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS

CHAPTER 1: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
 PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2000
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Section	Jurisdiction
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310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
310.450	Intermittent Merit Increase
310.455	Merit Zone (Repealed)
310.456	Other Pay Increases
310.460	Adjustment
310.470	Decreases in Pay
310.480	Other Pay Provisions
310.490	Broad-Band Pay Range Classes
310.495	Definitions
310.500	Conversion of Base Salary to Pay Period Units
310.510	Conversion of Base Salary to Daily or Hourly Equivalents
310.520	Implementation
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310.550	

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TABLE AA	NR-316 (Department of Natural Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
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TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

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APPENDIX B	Medical Administrator Rates for Fiscal Year 2000
APPENDIX C	Merit Compensation System Salary Schedule for Fiscal Year 2000
APPENDIX D	Teaching Salary Schedule (Repealed)
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APPENDIX F	Broad-band Pay Range Classes Salary Schedule for Fiscal Year 2000
APPENDIX G	

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [70 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective June 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21037, effective December 9, 1986; amended at 11 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4389, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 11 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11954, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647, peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16350, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 14, 1989; amended at 14 Ill. Reg. 619, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; peremptory amendment at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18954, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective August 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 13, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective November 10, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 4326, effective February 14, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 14, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Commerce & Community Affairs

Economic Development Representative II (Pos. No. 12932-42-35-110-10-02)	Annual Salary 54,048
Private Secretary II (Pos. No. 34202-42-00-000-01-02)	Annual Salary 48,492
Public Information Officer IV (Pos. No. 37004-42-00-005-10-01)	Annual Salary 62,256
Public Service Administrator (Pos. No. 37015-42-35-140-20-01)	Annual Salary 79,728

Department of Human Services

Medical Administrator I, Option D (Pos. No. 26401-10-79-006-00-21)	Annual Salary 142,368
Public Service Administrator (Pos. No. 37015-10-23-100-30-01)	Annual Salary 73,632
Senior Public Service Administrator (Pos. No. 40070-10-65-000-00-01)	Annual Salary 105,475
Senior Public Service Administrator (Pos. No. 40070-10-81-920-00-21)	Annual Salary 105,480

Illinois State & Local Labor Relations Board

Private Secretary II (Pos. No. 34202-50-19-000-00-01)	Annual Salary 49,688 51,900
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Department of Natural Resources

Administrative Assistant II
(Pos. No. 00502-12-30-000-20-01)
Annual Salary
50,520

Department of State Police

Senior Public Service Administrator
(Pos. No. 40070-21-10-000-00-01)
Annual Salary
109,358

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: School-Based/Linked Health Centers

2) Code Citation: 77 Ill. Adm. Code 2200

3) Section Numbers:
2200.5 Proposed Action:
2200.15 New Section
2200.70 New Section
Amendment

4) Statutory Authority: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45], the Infant Mortality Reduction Act [410 ILCS 220] and the Problem Pregnancy Health Services Care Act [410 ILCS 230] and authorized by Sections 80-15 and 80-30 of the Department of Human Services Act [20 ILCS 1305/80-15 and 80-30].

5) A Complete Description of the Subjects and Issues Involved: The School Based/Linked Health Centers rule is being amended to clarify that DHS certifies and re-certifies the Centers based on the requirements found in the rule. The clarification is necessary in order to make the rule compatible with the Department of Public Aid rules relative to Medicaid reimbursement to the Centers.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
217/785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

TITLE 77: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER J: SCHOOL-BASED/LINKED HEALTH CENTERS

PART 2200
SCHOOL-BASED/LINKED HEALTH CENTERS

Section

- 2200.5 Purpose
- 2200.10 Definitions
- 2200.15 Certification/Re-certification
- 2200.20 Introduction
- 2200.30 Organizational Structure
- 2200.40 Policies and Procedures
- 2200.50 Compliance Standards
- 2200.60 Scope of Services
- 2200.70 Staffing Standards
- 2200.80 Access Standards
- 2200.90 Student Identification
- 2200.100 Data, Medical Record Keeping, Exchange and Confidentiality
- 2200.110 Care Coordination
- 2200.120 Student Rights and Responsibilities
- 2200.130 Quality Improvement Standards
- 2200.140 Marketing and Community Outreach
- 2200.150 Finance

AUTHORITY: Implementing the Developmental Disability Prevention Act (410 ILCS 250), the Lead Poisoning Prevention Act (410 ILCS 45), the Infant Mortality Reduction Act (410 ILCS 220) and the Problem Pregnancy Health Services Care Act (410 ILCS 230) and authorized by Sections 80-15 and 80-30 of the Department of Human Services Act (20 ILCS 1305/80-15 and 80-30).

SOURCE: Adopted at 23 Ill. Reg. 1662, effective January 20, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 2200.5 Purpose

- a) The requirements set forth in this Part establish criteria for Certification of School-Based/Linked Health Centers (Center).
- b) These requirements shall be used by the Department for certification, re-certification, and periodic inspection of Centers.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 2200.15 Certification/Re-certification

- a) A Center may be certified and re-certified by the Department as set

DEPARTMENT OF HUMAN SERVICES
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forth in this Part.

- b) Center Certification
 - 1) A sponsoring agency's request for certification shall be in writing and submitted to the Illinois Department of Human Services.
 - 2) Applicants for certification will be accepted from programs of parent organizations of programs that have a history of providing comprehensive school health services.
 - 3) Applicants shall submit evidence that they are in compliance with all applicable Department audit requirements as specified in 89 Ill. Adm. Code 507.
 - 4) Prior to certification, the Department shall conduct an on-site inspection.
 - 5) Based upon the on-site inspection, the Department will certify the program if the Department determines that:
 - A) the applicant has proven that it meets the standards as set forth in this Part;
 - B) the sponsoring agency operating the program is fiscally sound and responsible;
 - C) the program management is experienced in business and in the delivery of comprehensive school health services.
 - 6) The Department shall notify the sponsoring agency of certification or denial of certification within 60 calendar days.
 - A) Approval of Certification
 - If the Department certifies the program, it shall include the IDPA Medicaid enrollment forms with the letter of certification.
 - Denial of Certification
 - If the Department is not able to certify the program based on the criteria outlined in this Part, the Department shall notify the applicant in writing, describing those deficiencies that will result in a denial of the certification. The applicant has 60 days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the program meets the criteria of this Part, the Department shall certify the applicant. If the program continues to fail to meet the requirements of this Part, the Department shall deny the application for certification. If certification is denied, the applicant may appeal the Department's decision and request a hearing pursuant to 89 Ill. Adm. Code 508 (Administrative Hearings).
 - B) Certification shall be effective on the date of approval by the Department and shall remain in effect for two years unless suspended earlier by the Department. Upon certification, the Center may deliver services to Medicaid recipients that will be reimbursable after the applicant completes the IDPA Medicaid enrollment procedure. The Center is responsible for complying

DEPARTMENT OF HUMAN SERVICES

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with all Medicaid policies (89 Ill. Adm. Code 140). Should a Center's ownership change, a new certification must be obtained within 60 days.

9) Re-certification

- A) To be eligible for re-certification, a Center shall be in compliance with all provisions of this Part.
- B) To be eligible for re-certification, a Center that receives funding from the Department shall be in compliance with all applicable Department audit requirements specified in 89 Ill. Adm. Code 507.

- C) The Department shall review all documents and the results of the last inspection and shall re-certify based on the standards set forth in this Part.

10) Denial of Re-certification

If the Department is not able to re-certify the Center based on its review and inspection, the Department shall notify the applicant in writing, describing those deficiencies that will result in a denial of re-certification. The applicant has 45 calendar days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the Center meets the criteria of this Part, the Department shall re-certify the Center. If the Center continues to fail to meet the requirements of this Part, the Department shall deny the application for re-certification and shall notify the applicant in writing, giving the reasons for the denial. The provider may appeal the Department's decision and request a hearing pursuant to 89 Ill. Adm. Code 508 (Administrative Hearings).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 2200.70 Staffing Standards

The Center must deliver care to students by Illinois licensed, registered and/or certified health professionals who are trained and experienced in community and school health, and who have knowledge of health promotion and illness prevention strategies for children and adolescents. The Center's sponsoring agencies ensure that all providers are appropriately credentialed.

- a) Recommended on-site Center staff include the following:
 - 1) Medical Director or physician, consultant or back-up physician (family practitioner, pediatrician or adolescent specialist) who has equivalent practice privileges in at least one licensed Illinois hospital, can provide medical consultation and referral, ensures compliance with the policies and procedures pertaining to medical and surgical procedures, and signs standing orders/protocols for mid-level practitioners and observes the same in practice;

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- 2) Nurse practitioner or physician assistant who must operate under the standing orders of a physician (family practitioner);
 - 3) Clinically trained mental health practitioner (master's level social worker, psychologist, certified psychiatric nurse, or mental health staff (bachelor prepared social worker or psychology major working toward master's preparation)) to provide individual assessment, treatment, and referral, as well as group and family counseling;
 - 4) Medical receptionist/secretary and/or medical support staff (health aide, medical assistant, or licensed practical nurse) to maintain medical records, collect and enter data, bill for services, make appointments and greet students;
 - 5) Certified and licensed substance abuse prevention/intervention specialist; and
 - 6) Health educator, dentist/dental hygienist, nutritionist.
- b) The staff is assigned responsibilities consistent with their education and experience, supervised and evaluated annually, and trained in the policies and procedures of the Center.
- c) The staff must participate in minimal, annual ongoing professional development programs to update and enhance their knowledge of community and school health promotion, illness prevention, and health strategies for children and adolescents. Documentation must be available in personnel records of a continuing education file.
- d) The staff must be currently trained in emergency care, including general first aid, cardiopulmonary resuscitation, and the Heimlich maneuver.
- e) The Center must have a written emergency plan for disaster ~~disasters~~ and for crisis intervention interventions that is consistent with the school's plan and coordinated with the community emergency response system. The staff must be trained in implementing these plans.
- f) The Center that contracts with an outside agency for the provision of mental health and/or substance abuse services must assure that the contracting agency has experience in providing care to children and adolescents, is duly licensed if subject to licensure, and has adequate liability coverage.
- g) The Center will document in the student's record that a referral was made and indicate follow up on the outcome of the referral, when relevant, and the health care provided by the Center.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pretreatment Programs
- 2) Code citation: 35 Ill. Adm. Code 310
- 3) Section Number: 310.107
Proposed Action:
Amend
- 4) Statutory authority: 415 ILCS 5/7-2, 13, 13.3, and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of May 4, 2000, proposing amendments in docket R00-15 for public comment, which opinion and order is available from the address below. Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR) under Section 5-40.

This proceeding would update the Illinois wastewater pretreatment regulations based on the mandates of the federal Water Pollution Control Act (FWPCA), 33 U.S.C. Sections 1317(b), (c), (d), 1342(b)(9), (1996). The proposed rules are "identical-in-substance" to rules adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-15
Federal wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA) that occurred during the period July 1, 1999, through December 31, 1999.

The following table briefly summarizes the federal actions in the update period:

<u>Federal Action</u>	<u>Summary</u>
August 4, 1999 (64 Fed. Reg. 42552)	Standards for the Use or Disposal of Sewage Sludge. The USEPA amended regulations regarding the land application, surface disposal, and incineration of sewage sludge. The USEPA added a concentration for total chromium in land applied sewage sludge to the list of pollutants that are eligible for a removal credit.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- September 2, 1999
(64 Fed. Reg. 48103)
Correcting amendments for Pharmaceutical manufacturing Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards. The USEPA corrected amendments made in a final rule published on September 21, 1998 (63 Fed. Reg. 50388).
 - December 30, 1999
(64 Fed. Reg. 73414)
Guidelines Establishing Test Procedures for the Analysis of Pollutants; Available Cyanide in Water. The USEPA amended its guidance on the analysis of cyanide in water for the purposes of compliance with the water quality requirements of the Clean Water Act.
- Specifically, the segment of the amendments involved in Part 310 update the edition of 40 CFR 439, incorporated by reference in Section 310.107, to the 1999 edition, including a reference to the August 4, 1999 and December 30, 1999 amendments published in the *Federal Register*.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes. Section 310.107 is the centralized listing of all documents incorporated by reference for the purposes of part 310. The existing rules include a number of incorporations by reference. The present amendments include a routine periodic update to the version of some of the federal documents incorporated by reference.

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may own or operate wastewater pretreatment systems. These mandates are, however, identical-in-substance to mandates imposed by federal law.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R00-15 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Address all questions to Steven C. Langhoff, at 217-782-2615.

Request copies of the Board's opinion and order in Docket R00-15 from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that own or operate wastewater pretreatment systems.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist or registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 310

PRETREATMENT PROGRAMS

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Section	Applicability
310.101	Objectives
310.102	Federal Law
310.103	State Law
310.104	Confidentiality
310.105	Incorporations by Reference
310.107	Definitions
310.110	New Source
310.111	

SUBPART B: PRETREATMENT STANDARDS

Section	General Prohibitions
310.201	Specific Prohibitions
310.202	Specific Limits Developed by POTW
310.210	Local Limits
310.211	Categorical Standards
310.220	Category Determination Request
310.221	Deadline for Compliance with Categorical Standards
310.222	Concentration and Mass Limits
310.230	Dilution
310.232	Combined Wastestream Formula
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SUBPART C: REMOVAL CREDITS

Section	Special Definitions
310.301	Authority
310.302	Conditions for Authorization to Grant Removal Credits
310.303	Calculation of Revised Discharge Limits
310.310	Demonstration of Consistent Removal
310.311	Provisional Credits
310.312	Compensation for Overflow
310.320	Exception to POTW Pretreatment Program
310.330	Application for Removal Credits Authorization
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310.341	Assistance of POTW
310.343	Continuation of Authorization
310.350	

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310.351 Modification or Withdrawal of Removal Credits

SUBPART D: PRETREATMENT PERMITS

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310.401

Pretreatment Permits

310.402

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310.403

Imminent Endangerment

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310.411

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SUBPART E: POTW PRETREATMENT PROGRAMS

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Incorporation of Approved Programs in Permits

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Incorporation of Compliance Schedules in Permits

310.505

Reissuance or Modification of Permits

310.510

Pretreatment Program Requirements

310.521

Program Approval

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Contents of Program Submission

310.524

Content of Removal Allowance Submission

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Defective Submission

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Water Quality Management

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Deadline for Review

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USEPA Objection

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Public Access to Submission

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SUBPART F: REPORTING REQUIREMENTS

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Definition of Control Authority

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Baseline Report

310.603

Compliance Schedule

310.604

Report on Compliance with Deadline

310.605

Periodic Reports on Compliance

310.606

Notice of Potential Problems

310.610

Monitoring and Analysis

310.611

Requirements for Non-Categorical Standard Users

310.612

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310.613

Notification of Changed Discharge

310.621

Compliance Schedule for POTW's

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Signatory Requirements for Industrial User Reports

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Signatory Requirements for POTW Reports

310.633

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Notification of Discharge of Hazardous Waste

SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

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310.701

Definition of Requester

310.702

Purpose and Scope

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Fundamentally Different Factors

310.705

Factors which are Not Fundamentally Different

310.706

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SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

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SUBPART I: UPSETS

Section

310.901

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Effect of an Upset

310.903

Conditions Necessary for an Upset

310.904

Burden of Proof

310.905

Reviewability of Claims of Upset

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310.906 User Responsibility in Case of Upset

SUBPART J: BYPASS

Section 310.910 Definition

310.911 Bypass Not Violating Applicable Pretreatment Standards or Requirements

310.912 Notice

310.913 Prohibition of Bypass

SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section 310.920 General

310.921 Substantial Modifications Defined

310.922 Approval Procedures for Substantial Modifications

310.923 Approval Procedures for Non-Substantial Modifications

310.924 Incorporation of Modifications into the Permit

AUTHORITY: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 and 27].

SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July 12, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15 at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 310.107 Incorporations by Reference

- a) The following publications are incorporated by reference:
- 1) The consent decree in *NDC v. Costle*, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978).
 - 2) Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401.
- b) The following provisions of the Code of Federal Regulations are incorporated by reference:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

40 CFR 2.302 (1999 1998)

40 CFR 25 (1999 1998)

40 CFR 122, Appendix D, Tables II and III (1999 1998)

40 CFR 128.140(b) (1977)

40 CFR 136 (1999 1998), as amended at 64 Fed. Reg. 42552, August 5, 1999, and 64 Fed. Reg. 73114, December 30, 1999 64 Fed. Reg. 50386, September 21, 1999, as amended at 64 Fed. Reg. 26315, May 14, 1999

February 27, 1999, as amended at 64 Fed. Reg. 26315, May 14, 1999

as amended at 64 Fed. Reg. 30417, June 8, 1999

40 CFR 403 (1999 1998)

40 CFR 403, Appendix D (1999 1998)

July 1, 1988

c) The following federal statutes are incorporated by reference:

1) Section 1001 of the Criminal Code (18 USC Section 1001) as of July 1, 1988

2) Clean Water Act (33 USC Section 1251 et seq.) as of July 1, 1988

3) Subtitles C and D of the Resource Conservation and Recovery Act (42 USC Section 6901 et seq.) as of July 1, 1988

d) This Part incorporates no future editions or amendments.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Sewer Discharge Criteria2) Code citation: 35 Ill. Adm. Code 3073) Section Numbers:

307.4900

307.4901

307.4902

307.4903

307.4904

4) Statutory authority: 415 ILCS 5/7.2, 13, 13.3, and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion of May 4, 2000 in R00-15, which opinion is available from the address below. Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR) under Section 5-40.

This proceeding would update the Illinois wastewater pretreatment regulations based on the mandates of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. Sections 1317(b), (c), (d), 1342(b)(9) (1996). The proposed rules are "identical-in-substance" to rules adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-15

Federal wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA) that occurred during the period July 1, 1999, through December 31, 1999.

The following table briefly summarizes the federal actions in the update period:

Federal Action

August 4, 1999
(64 Fed. Reg. 42552)

Summary
Standards for the Use or Disposal of Sewage chromium in land applied sewage sludge to the list of pollutants that are eligible for a removal credit.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

September 2, 1999
(64 Fed. Reg. 48103)

Correcting amendments for Pharmaceutical Manufacturing Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards. The USEPA corrected amendments made in a final rule published on September 21, 1998 (63 Fed. Reg. 50388).

December 30, 1999
(64 Fed. Reg. 73414)

Guidelines Establishing Test Procedures for the Analysis of Pollutants Available Cyanide in Water. The USEPA amended its guidance on the analysis of cyanide in water for the purposes of compliance with the water quality requirements of the Clean Water Act.

Specifically, the segment of the amendments involved in Part 307 update the edition of 40 CFR 439, incorporated by reference in Sections 307.4900 through 307.4904 to the 1999 edition, including a reference to the September 2, 1999 amendments published in the Federal Register.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. The existing rules include a number of incorporations by reference. The present amendments include a routine periodic update to the version of some of the federal documents incorporated by reference. Finally, the present amendments include new documents incorporated by reference.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they pretreat industrial waste or operate a publicly owned treatment works required to have a pretreatment program. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R00-15 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

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NOTICE OF PROPOSED AMENDMENTS

Address all questions to Steven Langhoff, at 217-782-2615.

Request copies of the Board's opinion and order from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 15: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 307

SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section	Preamble (Renumbered)
307.101	General Requirements (Renumbered)
307.102	Mercury (Renumbered)
307.103	Cyanide (STORED number 00720) (Renumbered)
307.104	Pretreatment Requirements (Repealed)
307.105	Preamble
307.1001	Definitions
307.1002	Test Procedures for Measurement
307.1003	Toxic Pollutants
307.1005	

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section	General and Specific Requirements
307.1101	Mercury
307.1102	Cyanide
307.1103	

SUBPART F: DAIRY PRODUCTS PROCESSING

Section	Receiving Stations
307.1501	Fluid Products
307.1502	Cultured Products
307.1503	Butter
307.1504	Cottage Cheese and Cultured Cream Cheese
307.1505	Natural and Processed Cheese
307.1506	Fluid Mix for Ice Cream and other Frozen Desserts
307.1507	Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts
307.1508	Condensed Milk
307.1509	Dry Milk
307.1510	Condensed Whey
307.1511	Dry Whey
307.1512	

SUBPART G: GRAIN MILLS

Section	Corn Wet Milling
307.1601	Corn Dry Milling
307.1602	

POLLUTION CONTROL BOARD

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307.1603	Normal Wheat Flour Milling
307.1604	Bulgur Wheat Flour Milling
307.1605	Normal Rice Milling
307.1606	Parboiled Rice Milling
307.1607	Animal Feed
307.1608	Hot Cereal
307.1609	Ready-to-eat Cereal
307.1610	Wheat Starch and Gluten
SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES	

Section	General Provisions
307.1700	Apple Juice
307.1701	Apple Products
307.1702	Citrus Products
307.1703	Frozen Potato Products
307.1704	Dehydrated Potato Products
307.1705	Canned and Preserved Fruits
307.1706	Canned and Preserved Vegetables
307.1707	Canned and Miscellaneous Specialties
307.1708	

SUBPART I: CANNED AND PRESERVED SEAFOOD

Section	Farm-raised Catfish
307.1801	Fish Meal Processing Subcategory
307.1815	

SUBPART J: SUGAR PROCESSING

Section	Beet Sugar Processing
307.1901	Crystalline Cane Sugar Refining
307.1902	Liquid Cane Sugar Refining
307.1903	

SUBPART K: TEXTILE MILLS

Section	General Provisions
307.2000	Wool Scouring
307.2001	Wool Finishing
307.2002	Low Water Use Processing
307.2003	Woven Fabric Finishing
307.2004	Knit Fabric Finishing
307.2005	Carpet Finishing
307.2006	Stock and Yarn Finishing
307.2007	Nonwoven Manufacturing
307.2008	
307.2009	Felted Fabric Processing

POLLUTION CONTROL BOARD

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SUBPART L: CEMENT MANUFACTURING

Section	Nonleaching
307.2101	Leaching
307.2102	Materials Storage Piles Runoff
307.2103	

SUBPART M: FEEDLOTS

Section	General
307.2201	Ducks
307.2202	

SUBPART N: ELECTROPLATING

Section	General Provisions
307.2300	Electroplating of Common Metals
307.2301	Electroplating of Precious Metals
307.2302	Anodizing
307.2303	Coatings
307.2305	Chemical Etching and Milling
307.2306	Electroless Plating
307.2307	Printed Circuit Boards
307.2308	

SUBPART O: ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS

Section	General Provisions
307.2400	Rayon Fibers
307.2401	Other Fibers
307.2402	Thermoplastic Resins
307.2403	Thermosetting Resins
307.2404	Commodity Organic Chemicals
307.2405	Bulk Organic Chemicals
307.2406	Specialty Organic Chemicals
307.2407	Indirect Discharge Point Sources
307.2410	Non-complexed Metal-bearing and Cyanide-bearing Wastestreams
307.2490	Complexed Metal-bearing Wastestreams
307.2491	

SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section	General Provisions
307.2500	Aluminum Chloride Production
307.2501	Aluminum Sulfate Production
307.2502	Calcium Carbide Production
307.2503	Calcium Chloride Production
307.2504	

POLLUTION CONTROL BOARD

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307.2505	Calcium Oxide Production
307.2506	Chlor-alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
307.2508	Hydrofluoric Acid Production
307.2509	Hydrogen Peroxide Production
307.2511	Potassium Metal Production
307.2512	Potassium Dichromate Production
307.2513	Potassium Sulfate Production
307.2514	Sodium Bicarbonate Production
307.2516	Sodium Chloride Production
307.2517	Sodium Chloride and Sodium Sulfate Production
307.2520	Sodium Sulfite Production
307.2522	Titanium Dioxide Production
307.2523	Aluminum Fluoride Production
307.2524	Ammonium Chloride Production
307.2527	Boric Acid Production
307.2528	Boric Acid Production
307.2529	Bromine Production
307.2530	Calcium Carbonate Production
307.2531	Calcium Hydroxide Production
307.2533	Carbon Monoxide and Byproduct Hydrogen Production
307.2534	Chrome Pigments Production
307.2535	Chromic Acid Production
307.2536	Copper Salts Production
307.2538	Ferric Chloride Production
307.2540	Fluorine Production
307.2541	Hydrogen Cyanide Production
307.2542	Iodine Production
307.2543	Lead Monoxide Production
307.2544	Lithium Carbonate Production
307.2545	Nickel Salts Production
307.2547	Oxygen and Nitrogen Production
307.2549	Potassium Chloride Production
307.2550	Potassium Iodide Production
307.2551	Silver Nitrate Production
307.2553	Sodium Bisulfite Production
307.2554	Sodium Fluoride Production
307.2555	Stannic Oxide Production
307.2560	Zinc Sulfate Production
307.2563	Cadmium Pigments and Salts Production
307.2564	Cobalt Salts Production
307.2565	Sodium Chlorate Production
307.2566	Zinc Chloride Production
307.2567	

SUBPART R: SOAP AND DETERGENTS

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.2701	Soap Manufacturing by Batch Kettle
307.2702	Fatty Acid Manufacturing by Fat Splitting
307.2703	Soap Manufacturing by Fatty Acid Neutralization
307.2704	Glycerine Concentration
307.2705	Glycerine Distillation
307.2706	Manufacture of Soap Flakes and Powders
307.2707	Manufacture of Bar Soaps
307.2708	Manufacture of Liquid Soaps
307.2709	Oilum Sulfonation and Sulfation
307.2710	Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711	Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712	Sulfamic Acid Sulfonation
307.2713	Chlorosulfonic Acid Sulfation
307.2714	Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715	Manufacture of Spray Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacture of Detergents by Dry Blending
307.2718	Manufacture of Drum Dried Detergents
307.2719	Manufacture of Detergent Bars and Cakes

SUBPART S: FERTILIZER MANUFACTURING

Section	
307.2801	Phosphate
307.2802	Ammonia
307.2803	Urea
307.2804	Ammonium Nitrate
307.2805	Nitric Acid
307.2806	Ammonium Sulfate Production
307.2807	Mixed and Blend Fertilizer Production

SUBPART T: PETROLEUM REFINING

Section	
307.2901	Topping
307.2902	Cracking
307.2903	Petrochemical
307.2904	Lube
307.2905	Integrated

SUBPART U: IRON AND STEEL MANUFACTURING

Section	
307.3000	General Provisions
307.3001	Cokemaking
307.3002	Sintering
307.3003	Ironmaking
307.3004	Steelmaking

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.3005
307.3006
307.3007
307.3008
307.3009
307.3010
307.3011
307.3012

Vacuum Degassing
Continuous Casting
Hot Forming
Salt Bath Descaling
Acid Pickling
Cold Forming
Alkaline Cleaning
Hot Coating

SUBPART V: NONFERROUS METALS MANUFACTURING

Section

307.3100
307.3101
307.3102
307.3103
307.3104
307.3105
307.3106

General Provisions
Bauxite Refining
Primary Aluminum Smelting
Secondary Aluminum Smelting
Primary Copper Smelting
Primary Electrolytic Copper Refining
Secondary Copper

307.3107
307.3108
307.3109
307.3110
307.3111
307.3112

Primary Lead
Primary Zinc
Metallurgical Acid Plants
Primary Tungsten
Primary Columbium-Pantalum

307.3113
307.3114
307.3115
307.3116

Secondary Silver
Secondary Lead
Primary Antimony
Primary Beryllium
Primary and Secondary Germanium and Gallium

307.3117
307.3118
307.3119
307.3120

Secondary Indium
Secondary Mercury
Primary Molybdenum and Rhodium
Secondary Molybdenum and Vanadium

307.3121
307.3122
307.3123
307.3124

Primary Nickel and Cobalt
Secondary Nickel
Primary Precious Metals and Mercury
Secondary Precious Metals

307.3125
307.3126
307.3127
307.3128

Primary Rare Earth Metals
Secondary Pantalum
Secondary Tin
Primary and Secondary Titanium

307.3129
307.3130
307.3131

Secondary Tungsten and Cobalt
Secondary Uranium
Primary Zirconium and Hafnium

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.3301

Steam Electric Power Generating

SUBPART Y: FERROALLOY MANUFACTURING

Section
307.3401
307.3402

Open Electric Furnaces With Wet Air Pollution Control Devices
Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices

307.3403
307.3404

Slag Processing
Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices

307.3405
307.3406
307.3407

Other Calcium Carbide Furnaces
Electrolytic Manganese Products
Electrolytic Chromium

SUBPART Z: LEATHER TANNING AND FINISHING

Section
307.3500
307.3501
307.3502

General Provisions
Hair Pulp, Chrome Tan, Retan-Wet Finish
Hair Save, Chrome Tan, Retan-Wet Finish

307.3503
307.3504
307.3505

Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
Retan-Wet Finish-Sides
No Beamhouse

307.3506
307.3507
307.3508

Through-the-Blue
Shearling
Pigskin

307.3509
307.3590

Retan-Wet Finish-Splits
Potassium Ferricyanide Titration Method

SUBPART BA: GLASS MANUFACTURING

Section
307.3601
307.3602

Insulation Fiberglass
Sheet Glass Manufacturing
Rolled Glass Manufacturing

307.3603
307.3604
307.3605

Plate Glass Manufacturing
Float Glass Manufacturing
Automotive Glass Tempering

307.3606
307.3607
307.3608

Glass Laminating
Glass Container Manufacturing
Glass Tubing (Danner) Manufacturing

307.3610
307.3611
307.3612

Television Picture Tube Envelope Manufacturing
Incandescent Lamp Envelope Manufacturing
Hand Pressed and Blown Glass Manufacturing

SUBPART BB: ASBESTOS MANUFACTURING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section	
307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
307.3704	Asbestos Paper (Elastomeric Binder)
307.3705	Asbestos Millboard
307.3706	Asbestos Roofing
307.3707	Asbestos Floor Tile
307.3708	Coating or Finishing of Asbestos Textiles
307.3709	Solvent Recovery
307.3710	Vapor Absorption
307.3711	Wet Dust Collection
SUBPART BC: RUBBER MANUFACTURING	
Section	
307.3801	Tire and Inner Tube Plants
307.3802	Emulsion Crumb Rubber
307.3803	Solution Crumb Rubber
307.3804	Latex Rubber
307.3805	Small-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3806	Medium-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3807	Large-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3808	Wet Digestion Reclaimed Rubber
307.3809	Pan, Dry Digestion and Mechanical Reclaimed Rubber
307.3810	Latex-Dipped, Latex-Extruded and Latex-Molded Rubber
307.3811	Latex Foam
SUBPART BD: TIMBER PRODUCTS PROCESSING	
Section	
307.3900	General Provisions
307.3901	Barking
307.3902	Veneer
307.3903	Plywood
307.3904	Dry Process Hardboard
307.3905	Wet Process Hardboard
307.3906	Wood Preserving-Water Borne or Nonpressure
307.3907	Wood Preserving-Steam
307.3908	Wood Preserving-Boulton
307.3909	Wet Storage
307.3910	Log Washing
307.3911	Sawmills and Planing Mills
307.3912	Finishing
307.3913	Particleboard Manufacturing
307.3914	Insulation Board
307.3915	Wood Furniture and Fixture Production Without Water Wash Spray Booth(s) or Without Laundry Facilities

POLLUTION CONTROL BOARD

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307.3916	Wood Furniture and Fixture Production with Water Wash Spray Booth(s) or With Laundry Facilities
SUBPART BE: PULP, PAPER AND PAPERBOARD	
Section	
307.4000	General Provisions
307.4001	Dissolving Kraft
307.4002	Bleached Papergrade Kraft and Soda
307.4003	Unbleached Kraft
307.4004	Dissolving Sulfite
307.4005	Papergrade Sulfite
307.4006	Semi-Chemical
307.4007	Mechanical Pulp
307.4008	Non-Wood Chemical Pulp
307.4009	Secondary Fiber Deink
307.4010	Fine and Lightweight Papers from Purchased Pulp
307.4011	Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp
307.4012	Groundwood-Thermo-Mechanical (Repealed)
307.4013	Groundwood-CMN Papers (Repealed)
307.4015	Groundwood-Fine Papers (Repealed)
307.4016	Soda (Repealed)
307.4017	Deink (Repealed)
307.4018	Nonintegrated-Fine Papers (Repealed)
307.4019	Nonintegrated-Tissue Papers (Repealed)
307.4020	Tissue From Wastepaper (Repealed)
307.4021	Papergrade Sulfite (Drum Wash) (Repealed)
307.4022	Unbleached Kraft and Semi-Chemical (Repealed)
307.4023	Wastepaper-Molded Products (Repealed)
307.4024	Nonintegrated-Lightweight Papers (Repealed)
307.4025	Nonintegrated-Filter and Nonwoven Papers (Repealed)
307.4026	Nonintegrated-Paperboard (Repealed)
SUBPART BF: BUILDERS' PAPER AND BOARD MILLS (Repealed)	
Section	
307.4101	Builder's Paper and Roofing Felt (Repealed)
SUBPART BG: MEAT PRODUCTS	
Section	
307.4201	Simple Slaughterhouse
307.4202	Complex Slaughterhouse
307.4203	Low-Processing Packinghouse
307.4204	High-Processing Packinghouse
307.4205	Small Processor
307.4206	Meat Cutter

POLLUTION CONTROL BOARD

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307.4207 Sausage and Luncheon Meats Processor
 307.4208 Ham Processor
 307.4209 Canned Meats Processor
 307.4210 Renderer

SUBPART BH: METAL FINISHING

Section
 307.4300 General Provisions
 307.4301 Metal Finishing

SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section
 307.4900 General Provisions
 307.4901 Fermentation Products
 307.4902 Extraction Products
 307.4903 Chemical Synthesis Products
 307.4904 Mixing/Compounding and Formulation
 307.4905 Research (Repealed)

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section
 307.5301 Asphalt Emulsion
 307.5302 Asphalt Concrete
 307.5303 Asphalt Roofing
 307.5304 Linoleum and Printed Asphalt Felt

SUBPART BV: PAINT FORMULATING

Section
 307.5601 Oil-Base Solvent Wash Paint

SUBPART BW: INK FORMULATING

Section
 307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section
 307.6500 General Provisions
 307.6501 Organic Pesticide Chemicals Manufacturing
 307.6502 Metallo-Organic Pesticides Chemicals Manufacturing
 307.6503 Pesticide Chemicals Formulating and Packaging

SUBPART CG: CARBON BLACK MANUFACTURING

POLLUTION CONTROL BOARD

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Section
 307.6801 Carbon Black Furnace Process
 307.6802 Carbon Black Thermal Process
 307.6803 Carbon Black Channel Process
 307.6804 Carbon Black Lamp Process

SUBPART CJ: BATTERY MANUFACTURING

Section
 307.7100 General Provisions
 307.7101 Cadmium
 307.7102 Calcium
 307.7103 Lead
 307.7104 Lanthanum
 307.7105 Lithium
 307.7106 Magnesium
 307.7107 Zinc

SUBPART CL: PLASTICS MOLDING AND FORMING

Section
 307.7300 General Provisions
 307.7301 Contact Cooling and Heating Water
 307.7302 Cleaning Water
 307.7303 Finishing Water

SUBPART CM: METAL MOLDING AND CASTING

Section
 307.7400 General Provisions
 307.7401 Aluminum Casting
 307.7402 Copper Casting
 307.7403 Ferrous Casting
 307.7404 Zinc Casting

SUBPART CN: COIL COATING

Section
 307.7500 General Provisions
 307.7501 Steel Basis Material
 307.7502 Galvanized Basis Material
 307.7503 Aluminum Basis Material
 307.7504 Canmaking

SUBPART CO: PORCELAIN ENAMELING

Section
 307.7600 General Provisions

POLLUTION CONTROL BOARD

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Steel Basis Material
Cast Iron Basis Material
Aluminum Basis Material
Copper Basis Material

307.7601
307.7602
307.7603
307.7604

SUBPART CP: ALUMINUM FORMING

General Provisions
Rolling With Neat Oils
Rolling With Emulsions
Extrusion
Forging
Drawing With Neat Oils
Drawing With Emulsions or Soaps

Section
307.7700
307.7701
307.7702
307.7703
307.7704
307.7705
307.7706

SUBPART CO: COPPER FORMING

General Provisions
Copper Forming
Beryllium Copper Forming

Section
307.7800
307.7801
307.7802

SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

Semiconductor
Electronic Crystals
Cathode Ray Tube
Luminescent Materials

Section
307.7901
307.7902
307.7903
307.7904

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

General Provisions
Lead-Tin-Bismuth Forming
Magnesium Forming
Nickel-Cobalt Forming
Precious Metals Forming
Refractory Metals Forming
Titanium Forming
Uranium Forming
Zinc Forming
Zirconium-Hafnium Forming
Metal Powders

Section
307.8100
307.8101
307.8102
307.8103
307.8104
307.8105
307.8106
307.8107
307.8108
307.8109
307.8110

APPENDIX A

References to Previous Rules (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Sections 7.2, 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 111. Reg. 44, P. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 111. Reg. 45, P. 101, effective November 5, 1978, amended in R76-21, at 44 PCB 203, at 6 111. Reg. 563, effective December 24, 1981; codified at 6 111. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 111. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 111. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 111. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 111. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 111. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 111. Reg. 3300, effective February 20, 1990; amended in R89-12 at 14 111. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 111. Reg. 7377, effective April 11, 1992; amended in R93-2 at 17 111. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 111. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 111. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 111. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 111. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 111. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 111. Reg. _____, effective _____.

SUBPART EN: PHARMACEUTICAL MANUFACTURING

Section 307.4900 General Provisions

- Applicability. This Subpart applies to any pharmaceutical manufacturing facility which introduces or may introduce process wastewater pollutants into a POTW.
- General definitions. The Board incorporates by reference 40 CFR 439.1 (1999)996, as amended at 64 Fed. Reg. 48103, September 2, 1999 63 Fed.--Reg.--56989-September-23-1998. This incorporation includes no later amendments or editions.
- Monitoring requirements. The Board incorporates by reference 40 CFR 439.4 (1999)998)--as-amended--at--63-Fed-Reg-56989-September-23-1998. This incorporation includes no later amendments or editions.
- General Pretreatment standards. The Board incorporates by reference 40 CFR 439.3 (1999)996)--as-amended--at--63-Fed-Reg-56989-September-23-1998. This incorporation includes no later amendments or editions.
- Surrogate parameters for indirect dischargers. The Board incorporates by reference 40 CFR 439.3 (1999)998)--as-amended--at--63-Fed-Reg-56989-September-23-1998--and--at--64-Fed-Reg-103937-March-4-1999. This incorporation includes no later amendments or editions.

(Source: Amended at 24 111. Reg. _____, effective _____)

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_____)

Section 307.4901 Fermentation Products

a) Applicability. This Section applies to discharges resulting from the manufacture of pharmaceuticals by fermentation.

b) Specialized definitions. The Board incorporates by reference 40 CFR 439.11 (19931998) ~~as amended at 63-Fed-Reg-56388;--September--27-1998.~~ This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 439.16 (19931998) ~~as amended at 63-Fed-Reg-56388;--September-27-1998; and at 64-Fed-Reg-10391;--March-47-1999.~~ This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 439.17 (19931998), as amended at 64 Fed. Reg. 48103, September 27, 1999 ~~63-Fed-Reg-56388;--September-27-1998; and at 64-Fed-Reg-10391;--March-47-1999.~~ This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 307.4902 Extraction Products

a) Applicability. This Section applies to discharges resulting from the manufacture of pharmaceuticals by extraction.

b) Specialized definitions. The Board incorporates by reference 40 CFR 439.21 (19931998) ~~as amended at 63-Fed-Reg-56388;--September--27-1998.~~ This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 439.26 (19931998) ~~as amended at 63-Fed-Reg-56388;--September-27-1998; and at 64-Fed-Reg-10391;--March-47-1999.~~ This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by

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reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 439.27 (19931998), as amended at 64 Fed. Reg. 48103, September 27, 1999 ~~63-Fed-Reg-56388;--September-27-1998.~~ This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 307.4903 Chemical Synthesis Products

a) Applicability. This Section applies to discharges resulting from the manufacture of pharmaceuticals by chemical synthesis.

b) Specialized definitions. The Board incorporates by reference 40 CFR 439.31 (19931998) ~~as amended at 63-Fed-Reg-56388;--September-27-1998.~~ This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 439.36 (19931998) ~~as amended at 63-Fed-Reg-56388;--September-27-1998; and at 64-Fed-Reg-10391;--March-47-1999.~~ This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 439.37 (19931998), as amended at 64 Fed. Reg. 48103, September 27, 1999 ~~63-Fed-Reg-56388;--September-27-1998; and at 64-Fed-Reg-10391;--March-47-1999.~~ This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after November 26, 1982.

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 307.4904 Mixing/Compounding and Formulation

- a) Applicability. This Section applies to discharges resulting from mixing/compounding and formulation operations of pharmaceutical products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 439.41 (19991998) ~~as amended at 63 Fed. Reg. 56386, September 23, 1998~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 439.46 (19991998) ~~as amended at 63 Fed. Reg. 56386, September 23, 1998~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 439.47 (19991998), as amended at 64 Fed. Reg. 48103, September 24, 1999 ~~63 Fed. Reg. 56386, September 23, 1998~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 130

3) Section Numbers: 130.330
Proposed Action: Amendment

4) Statutory Authority: 35 ILCS 120

5) A Complete Description of the Subjects and Issues Involved: The current rules do not include standards regarding which chemicals can qualify for the manufacturing machinery and equipment exemption. This rulemaking will clarify which chemicals can qualify for this exemption. The proposed regulatory amendment (Section 130.330(c)(6)) says that chemicals or catalysts can only qualify if they are capitalized as long-term assets on the financial books of the company and amortized or depreciated on those same books per Generally Accepted Accounting Principles (GAAP).

The main reason for making this distinction by requiring classification as a long-term asset according to GAAP is that it provides an objective standard for proof that the chemicals or catalyst has attributes similar to genuine equipment, i.e., they are acquired for long-term use (greater than one year) in the normal manufacturing operations of a business. This approach is also consistent with the recent Sangamon County Circuit Court case of *Wonsanto v. IDOR* (97-WR-44, December 16, 1997) wherein it was held that a one-time use chemical didn't qualify as opposed to long-term use chemicals that had been previously granted the exemption by the Department.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
130.340	Amendment	2/18/00, 24 Ill. Reg. 2616
130.101	Amendment	2/25/00, 24 Ill. Reg. 3128
130.110	Amendment	2/25/00, 24 Ill. Reg. 3128
130.111	Amendment	2/25/00, 24 Ill. Reg. 3128
130.120	Amendment	2/25/00, 24 Ill. Reg. 3128
130.201	Amendment	2/25/00, 24 Ill. Reg. 3128
130.205	Amendment	2/25/00, 24 Ill. Reg. 3128
130.215	Amendment	2/25/00, 24 Ill. Reg. 3128
130.220	Amendment	2/25/00, 24 Ill. Reg. 3128

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corporations affected: Manufacturers

B) Reporting, bookkeeping or other procedures required for compliance: Recordkeeping

C) Types of professional skills necessary for compliance: Recordkeeping

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

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130.105

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130.111

130.115

130.120

Character and Rate of Tax

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Sale of Used Motor Vehicles by Leasing or Rental Business

Habitual Sales

Nontaxable Transactions

SUBPART B: SALE AT RETAIL

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130.201

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The Test of a Sale at Retail

Sales for Transfer Incident to Service

Sales of Tangible Personal Property to Purchasers for Resale

Further Illustrations

Sales to Lessors of Tangible Personal Property

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

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Farm Machinery and Equipment

Food, Drugs, Medicines and Medical Appliances

Fuel Sold for Use in Vessels on Rivers Bordering Illinois

Gasohol

Fuel Used by Air Common Carriers in International Flights

Graphic Arts Machinery and Equipment Exemption

Manufacturing Machinery and Equipment

Manufacturer's Purchase Credit

Pollution Control Facilities

Rolling Stock

Oil Field Exploration, Drilling and Production Equipment

Coal Exploration, Mining, Off Highway Hauling, Processing,

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Monthly Tax Returns--When Due--Contents

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ILLUSTRATION A Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended

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at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 23, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9899, effective August 9, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.330 Manufacturing Machinery and Equipment

- a) General. Notwithstanding the fact that the sales may be at retail, the Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. The

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exemption applies whether the sale or lease is made directly by the manufacturer or some other person. In certain cases purchases of machinery and equipment by a lessor will be exempt even though that lessor does not himself employ the machinery and equipment in an exempt manner.

b) Manufacturing and Assembling.

1) This exemption exempts from tax only machinery and equipment used in manufacturing or assembling tangible personal property for sale or lease. Thus, the use of machinery and equipment in any industrial, commercial or business activity which may be distinguished from manufacturing or assembling will not be an exempt use and such machinery and equipment will be subject to tax.

2) The manufacturing process is the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating or refining which changes some existing material or materials into a material with a different form, use or name. These changes must result from the process in question and be substantial and significant.

3) The process or activity must be commonly regarded as manufacturing. To be so regarded, it must be thought of as manufacturing by the general public. Generally, the scale, scope and character of a process or operation will be considered to determine if such process or operation is commonly regarded as manufacturing. Manufacturing includes such activities as processing, fabricating and refining.

4) Manufacturing does not include extractive industrial activities. Mining, logging, and drilling for oil, gas, and water neither produce articles of tangible personal property nor effect any significant or substantial change in the form, use or name of the materials or resources upon which they operate. The extractive process of quarrying does not constitute manufacturing. However, the activities subsequent to quarrying such as crushing, washing, sizing and blending will constitute manufacturing, and machinery and equipment used primarily thereafter will qualify for the exemption, if the process results in the assembling of an article of tangible personal property with a different form, use or name than the material extracted.

5) The printing process is not commonly regarded as manufacturing and court decisions have found that printing is not manufacturing. Therefore, machinery and equipment used in any printing application will not qualify for exemption. This includes graphic arts, newspapers, books, etc. as well as other industrial or commercial applications. (However, see Section 130.325 for the Graphic Arts Machinery and Equipment Exemption.)

6) Agricultural, horticultural and related, similar or comparable activities, including commercial fishing, beekeeping, production of seedlings or seed corn, and the development of hybrid seeds, plants, or shoots, are not manufacturing or assembling and, accordingly, machinery and equipment used in such activities is subject to tax. (However, see Section 130.305 for the Farm Machinery and Equipment Exemption.)

7) The preparation of food and beverages by restaurants, food service establishments, and other retailers is not manufacturing. Assembling means the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name.

9) Effective September 1, 1988 manufacturing includes photoprocessing if the products of photoprocessing are sold. Machinery and equipment which would qualify for exemption includes, but are not limited to, developers, dryers, enlargers, mounting machines, roll film splicers, film developing image makers, disc film opening and splicing devices, film indexers, photographic paper exposure equipment, photographic paper developing machines, densitometers, print inspection devices, photo print/negative out assembly stations, film sleeve insertion machines, negative image producers, film coating equipment, photo transparency mounters, processor rack sanitizers, photo print embossers, photo print mounting presses, graphic slide generators, chemical mixing equipment and paper exposure positioning and holding devices, etc. Cameras and equipment used to take pictures or expose film are not eligible as the photoprocessing begins after the film is exposed. Retail/net price calculation equipment and chemical reclamation equipment are not considered to be manufacturing machinery and equipment.

c) Machinery and Equipment

1) The law exempts only the purchase and use of "machinery" and "equipment" used in manufacturing or assembling. Accordingly, no other type or kind of tangible personal property will qualify for the exemption, even though it may be used primarily in the manufacturing or assembling of tangible personal property for sale or lease.

2) Machinery means major mechanical machines or major components of such machines contributing to a manufacturing or assembling process: including, machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment.

3) Equipment includes any independent device or tool separate from any machinery but essential to an integrated manufacturing or

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assembling process: including computers used primarily in operating exempt machinery and equipment in a computer-assisted design, computer-assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment, parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds, and any parts which require periodic replacement in the course of normal operation. The exemption does not include hand tools, supplies (such as rags, sweeping or cleaning compounds), coolants, lubricants, adhesives, or solvents, items of personal apparel (such as gloves, shoes, glasses, goggles, coveralls, aprons, masks, mask air filters, belts, harnesses, or holsters), coal, fuel oil, electricity, natural gas, artificial gas, steam, refrigerants or water. (Section 2-45 of the Act)

4) The exemption includes the sale of materials to a purchaser who manufactures such materials into an exempted type of machinery or equipment or tools which such purchaser uses himself in the manufacturing of tangible personal property or leases to a manufacturer of tangible personal property. However, such purchaser must maintain adequate records clearly demonstrating the incorporation of such materials into exempt machinery and equipment.

5) Machinery and equipment does not include foundations for, or special purpose buildings to house or support, machinery and equipment.

6) The exemption includes chemicals or catalysts only if they effect a direct and immediate change upon a product being manufactured or assembled for sale or lease, have a useful life greater than one year as evidenced by their being recorded as long-term assets in the balance sheet of the company's audited financial statement pursuant to Generally Accepted Accounting Principles (GAAP), and are amortized or depreciated according to GAAP on the financial statements of the company.

d) Primary Use

1) The law requires that machinery and equipment be used primarily in manufacturing or assembling. Therefore, machinery which is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the machinery or equipment is used over 50 percent in an exempt manner in order to claim the deduction.

2) The fact that particular machinery or equipment may be considered essential to the conduct of the business of manufacturing or assembling because its use is required by law or practical necessity does not, of itself, mean that machinery or equipment is used primarily in manufacturing or assembling.

3) By way of illustration and not limitation, the following activities will generally be considered to constitute an exempt

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use:

A) The use of machinery or equipment to effect a direct and immediate physical change upon the tangible personal property to be sold;

B) The use of machinery or equipment to guide or measure a direct and immediate physical change upon the tangible personal property to be sold, provided such function is an integral and essential part of tuning, verifying, or aligning the component parts of such property;

C) The use of machinery or equipment to inspect, test or measure the tangible personal property to be sold where such function is an integral part of the production flow;

D) The use of machinery and equipment to convey, handle, or transport the tangible personal property to be sold within production stations on the production line or directly between such production stations or buildings within the same plant;

E) The use of machinery or equipment to place the tangible personal property to be sold into the container, package, or wrapping in which such property is normally sold where such machinery or equipment is used as a part of an integrated manufacturing process.

4) By way of illustration and not limitation, the following activities will generally not be considered to be manufacturing:

A) The use of machinery or equipment in the construction, reconstruction, alteration, remodeling, servicing, repairing, maintenance, or improvement of real estate;

B) The use of machinery or equipment in research and development of new products or production techniques, machinery, or equipment;

C) The use of machinery or equipment to store, convey, handle or transport materials or parts or sub-assemblies prior to their entrance into the production cycle;

D) The use of machinery or equipment to store, convey, handle or transport finished articles of tangible personal property to be sold or leased after completion of the production cycle;

E) The use of machinery or equipment to transport work in process, or semifinished goods, between plants;

F) The use of machinery or equipment in managerial, sales, or other nonproduction, nonoperational activities including disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, sales, marketing, product exhibition and promotion, or personnel recruitment, selection or training;

G) The use of machinery or equipment to prevent or fight fires

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or to protect employees, such as protective equipment face masks, helmets, gloves, coveralls, and goggles or for safety, accident protection or first aid even though such machinery or equipment may be required by law;

H) The use of machinery or equipment for general ventilation, heating, cooling, climate control or general illumination, not required by the manufacturing process;

I) The use of machinery or equipment in the preparation of food and beverages by a retailer for retail sale, i.e., restaurants, vending machines, food service establishments, etc.

5) An item of machinery or equipment which initially is used primarily in manufacturing or assembling and having been so used for less than one-half of the useful life is converted to primarily nonexempt uses will become subject to tax at the time of the conversion. Such tax will be collected on such portion of the price of the machinery or equipment as was excluded from tax at the time the sale or purchase was made.

e) Product Use

1) The statute requires that the product produced as a result of the manufacturing or assembling process be tangible personal property for sale or lease. Accordingly, a manufacturer or assembler who uses any significant portion of the output of his machinery or equipment, either for internal consumption or any other nonexempt use, or a lessor who leases otherwise exempt machinery and equipment to such a manufacturer or assembler, will not be eligible to claim the exemption on that machinery and equipment. No apportionment of production capacity between output for sale or lease and output for self-use will be permitted and no partial exemption for any item of machinery and equipment will be allowed.

2) The production of articles of tangible personal property for sale, a portion of which is diverted by the manufacturer thereof to use as sales samples or as the subjects of quality control testing which renders the articles unfit for sale, will nevertheless be deemed to be production for sale, provided such diversion represents only a small portion of the production of the articles of tangible personal property or of the sale of those articles.

3) Machinery and equipment used in the performance of a service, such as dry cleaning, is not used in the production of tangible personal property for sale and is thus taxable. However, a manufacturer or assembler who uses machinery and equipment to produce goods for sale or lease by himself or another, or to perform assembly or fabricating work for a customer who retains the manufacturer or assembler only for his services, will not be liable for tax on the machinery and equipment he uses as long as the goods produced either for himself or another are destined for

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f) Sale or lease, rather than for use and consumption.

1) For this exemption to apply, the purchaser need not himself employ the exempt machinery or equipment in manufacturing. If the purchaser leases that machinery or equipment to a lessee-manufacturer who uses it in an exempt manner, the sale to the purchaser-lessor will be exempt from tax. A supplier may exclude such sales from his taxable gross receipts provided the purchaser-lessor provides to him a properly completed exemption certificate and the information contained herein would support an exemption if the sale were made directly to the lessee-manufacturer.

2) Should a purchaser-lessor subsequently lease the machinery or equipment to a lessee who does not use it in a manner that would qualify directly for the exemption, the purchaser-lessor will become liable for the tax from which he was previously exempted.

g) Exemption Certificates

1) The user of such machinery or equipment and tools shall prepare a certificate of exemption for each transaction stating facts establishing the exemption for that transaction and submit the certificate to the retailer. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit. The Department shall prescribe the form of the certificate. If the user has an active registration or resale number, that number may be given in lieu of the prescribed certificate.

2) If a manufacturer or lessor purchases at retail from a vendor who is not registered to collect Illinois Use Tax, the purchaser must prepare and retain in his files, the completed exemption certificate. The exemption certificate shall be available to the Department for inspection or audit.

3) A vendor who makes sales of machinery or equipment to a manufacturer or lessor of a manufacturer must collect Use Tax, and will owe Retailers' Occupation Tax, on that sale unless the purchaser certifies the exempt nature of the purchase to the vendor as set out above. The Summary Schedule, RA-566, must be submitted in lieu of taxes at the time the taxes are due.

h) Opinions and Rulings

Informal ruling and opinion letters issued by the Department regarding the coverage and applicability of this exemption to specific devices will be maintained by the Department in Springfield. They will be available for public inspection and may be copied or reproduced at taxpayer's expense. Trade secrets or other confidential information in such letters will be deleted prior to release to public access files.

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1) Heading of the Part: Electronic Commerce Security Act2) Code Citation: 14 Ill. Adm. Code 1003) Section Numbers:

100.10	New Section
100.20	New Section
100.30	New Section
100.40	New Section
100.50	New Section
100.60	New Section
100.70	New Section
100.80	New Section
100.90	New Section
100.100	New Section
100.110	New Section
100.120	New Section
100.130	New Section

4) Statutory Authority: Implementing and authorized by Section 15-1115 of the Electronic Commerce Security Act [5 ILCS 175/15-115].5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking implements the Electronic Commerce Security Act.6) Will this rulemaking replace any emergency rulemaking currently in effect?
No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? Yes9) Are there any other proposed rulemakings pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any state mandate.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Paul Knox
Steering Committee Chair
Illinois Secretary of State
Room 461 Howlett Building
Springfield, Illinois 62756
217/524-1070

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: If a small business engages in the industry or profession of providing public key infrastructure services it will be affected.

B) Reporting, bookkeeping or other procedures required for compliance: Any reporting functions are designated in the rule.

C) Types of professional skills necessary for compliance: It is expected that compliance with the rule demonstrates the fundamentals for application of Public Key Cryptography. Fulfillment of audit requirements as designated by the rule include State of Illinois CPA certification and CISA or CISSP certification. Bonding requirements are to be determined by the insurer or financial institution.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: compliance as designated by the Electronic Commerce and Security Act is voluntary, this rule was not included in the ordinary regulatory agenda.

The full text of the Proposed Rule begins on the next page:

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TITLE 14: COMMERCE

SUBTITLE A: REGULATION OF BUSINESS

CHAPTER 1: SECRETARY OF STATE

PART 100

ILLINOIS ELECTRONIC COMMERCE SECURITY ACT

Section

- 100.10 Scope and Definitions
- 100.20 Certification of a Qualification of a Qualified Security Procedure for Electronic Records and Signature
- 100.30 Commercially Reasonable Standards
- 100.40 Criteria for Acceptance of Electronic Signatures
- 100.50 Recognition of Commercially Reasonable Standards and Procedures
- 100.60 Suitable Guaranty
- 100.70 Audit Requirements
- 100.80 Certification Authorities
- 100.90 Decertification of Certification Authorities
- 100.100 Performance of Services
- 100.110 Records Retention
- 100.120 Provisions for Promoting Uniformity
- 100.130 Foreign and Other Jurisdictional Certificates

AUTHORITY: Implementing and authorized by the Illinois Electronic Commerce Security Act [5 ILCS 175]

SOURCE: Adopted at 24 Ill. Reg _____, effective _____.

Section 100.10 Scope and Definitions

- a) The purpose of this Part is to provide maximum flexibility to the implementation of digital signature technology under the Illinois Electronic Commerce Security Act [5 ILCS 175].
- b) For the purposes of this Part, and unless the context expressly indicates otherwise, definitions are as follows:

"Act" means the Illinois Electronic Commerce Security Act [5 ILCS 175].

"Applicant" means the person, organization or entity seeking certification by the Secretary as a certification authority in the State of Illinois.

"Asymmetric cryptosystem" means a computer-based system capable of generating and using a key pair consisting of a private key for creating a digital signature and a public key to verify the

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digital signature.

"Certificate" means a record that at a minimum:

identifies the certification authority issuing it;

names or otherwise identifies its subscriber or a device or electronic agent under the control of the subscriber;

contains a public key that corresponds to a private key under the control of the subscriber;

specifies its operational period; and

is digitally signed by the certification authority issuing it.

"Certification authority" means a person or entity who authorizes and causes the issuance of a certificate.

"Certification practice statement" or "CPS" is a statement published by a certification authority that specifies the policies or practices that the certification authority employs in issuing, managing, suspending, and revoking certificates and providing access to them.

"Certificate policy" or "CP" is a statement published by a certification authority that specifies the policies of the certification authority.

"Digital signature" means a type of electronic signature created by transforming an electronic record using a message digest function and encrypting the resulting transformation with an asymmetric cryptosystem using the signer's private key such that any person having the initial untransformed electronic record, the encrypted transformation, and the signer's corresponding public key can accurately determine whether the transformation was created using the private key that corresponds to the signer's public key and whether the initial electronic record has been altered since the transformation was made. A digital signature is a security procedure.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in

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an information system or for transmission from one information system to another.

"Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

"Key pair" means, in an asymmetric cryptosystem, 2 mathematically related keys, referred to as a private key and a public key, having the properties that:

one key (the private key) can encrypt a message that only the other key (the public key) can decrypt; and

even knowing one key (the public key), it is computationally unfeasible to discover the other key (the private key).

"Message digest function" means an algorithm that maps or translates the sequence of bits comprising an electronic record into another, generally smaller, set of bits (the message digest) without requiring the use of any secret information, such as a key, so that an electronic record yields the same message digest every time the algorithm is executed using such record as input and it is computationally unfeasible that any 2 electronic records can be found or deliberately generated that would produce the same message digest using the algorithm unless the 2 records are precisely identical.

"Operational period of a certificate" begins on the date and time the certificate is issued by a certification authority (or on a later date and time certain if stated in the certificate) and ends on the date and time it expires as noted in the certificate or is earlier revoked, but does not include any period during which a certificate is suspended.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited partnership, limited liability partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

"Private key" means the key of a key pair used to create a digital signature.

"Public key" means the key of a key pair used to verify a digital signature.

"Record" means information that is inscribed, stored, or otherwise fixed on a tangible medium or that is stored in an

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electronic or other medium and is retrievable in perceivable form.

"Repository" means a system for storing and retrieving certificates or other information relevant to certificates, including information relating to the status of a certificate.

"Revoke a certificate" means to permanently end the operational period of a certificate from a specified time forward.

"Secretary" means the Secretary of State of Illinois.

"Security procedure" means a methodology or procedure used for the purpose of:

verifying that an electronic record is that of a specific person; or

detecting error or alteration in the communication, content, or storage of an electronic record since a specific point in time.

A security procedure may require the use of algorithms or codes, identifying words or numbers, encryption, answer back or acknowledgment procedures, or similar security devices.

"Signature device" means unique information, such as codes, algorithms, letters, numbers, private keys, or personal identification numbers (PINs), or a uniquely configured physical device that is required, alone or in conjunction with other information or devices, in order to create an electronic signature attributable to a specific person.

"Signed" or "signature" includes any symbol executed or adopted, or any security procedure employed or adopted, using electronic means or otherwise, by or on behalf of a person with intent to authenticate a record.

"State agency" means and includes all officers, boards, commissions, courts, and agencies created by the Illinois Constitution, whether in the executive, legislative or judicial branch; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State; government that are created by or pursuant to statute, other than units of local government and their officers, school districts and boards of

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election commissioners; all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor.

"Subscriber" means a person who is the subject named or otherwise identified in a certificate, who controls a private key that corresponds to the public key listed in that certificate, and who is the person to whom digitally signed messages verified by reference to such certificate are to be attributed.

"Suspend a certificate" means to temporarily suspend the operational period of a certificate for a specified time period or from a specified time forward.

"Trustworthy manner" means through the use of computer hardware, software, and procedures that, in the context in which they are used:

can be shown to be reasonably resistant to penetration, compromise, and misuse; provide a reasonable level of reliability and correct operation;

are reasonably suited to performing their intended functions or serving their intended purposes;

comply with applicable agreements between the parties, if any; and

adhere to generally accepted security procedures.

"Valid certificate" means a certificate that a certification authority has issued and that the subscriber listed in the certificate has accepted.

"Verify a digital signature" means to use the public key listed in a valid certificate, along with the appropriate message digest function and asymmetric cryptosystem, to evaluate a digitally signed electronic record, such that the result of the process concludes that the digital signature was created using the private key corresponding to the public key listed in the certificate and the electronic record has not been altered since its digital signature was created.

Section 100.20 Certification of a Qualification of a Qualified Security Procedure for Electronic Records and Signature

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a) In order to obtain certification of a qualified security procedure, an applicant must file an application form, designated by the Secretary, at the following location:

Certification Authority Application Section
Room 461
Howlett Building
Springfield, Illinois 62756

b) The applicant must document security procedures, policies and practices that delineate full and complete identification of security procedures. The documentation shall be submitted for review, in the form of a Certification Practice Statement (CPS) and Certificate Policy (CP), to the Secretary's Electronic Signature Steering Committee.

c) Applicants certified by the Secretary shall:

- 1) meet the criteria for acceptance of electronic signatures and records and the criteria for recognition of commercially reasonable standards and procedures as delineated in Sections 100.40 and 100.50 of this Part;
- 2) maintain an office in this State or maintain a registered agent for service of process in this State;
- 3) submit a suitable guaranty described in Section 100.60 of this Part;
- 4) submit an annual audit that complies with Section 100.70 of this Part;
- 5) pay an annual application fee of \$2,000. The fee shall be paid by certified check upon the annual submittal of the application and be made payable to the Illinois Secretary of State; and
- 6) maintain records in accordance with Section 100.110 of this Part.

Section 100.30 Commercially Reasonable Standards

a) Applicants certified by the Secretary shall have adopted commercially reasonable standards as designated by a recognized industry standards organization.

b) Applicants certified by the Secretary shall have adopted secure policies and procedures as designated by a recognized industry body or commercially reasonable policies and procedures.

Section 100.40 Criteria for Acceptance of Electronic Signatures

A qualified security procedure is a security procedure for identifying a person that is capable of creating, in a trustworthy manner, an electronic signature that:

- a) is unique to the signer within the context in which it is used;
- b) can be used to objectively identify the person signing the electronic record;

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- c) was reliably created by such identified person and that cannot be readily duplicated or compromised;
- d) is created and is linked to the electronic record to which it relates in a manner that, if the record or the signature is intentionally or unintentionally changed after signing, the electronic signature is invalidated; and
- e) complies with this Part.

Section 100-50 Recognition of Commercially Reasonable Standards and Procedures

- a) The security structure of technology known as Public Key Cryptography is a commercially reasonable standard and procedure for use by public and private entities in Illinois, provided that the digital signature is created consistent with this Section.
- b) The Illinois Electronic Commerce Security Act requires that a digital signature be unique to the signer within the context in which it is used. A public key-based digital signature may be considered unique to the signer using it if:
 - 1) the digital signature is created using an asymmetric algorithm;
 - 2) the private key used to create the signature on the document is known only to the signer;
 - 3) the digital signature can be verified by reference to the public key listed in a certificate;
 - 4) the digital signature is created during the operational period of a valid certificate;
 - 5) it is computationally infeasible to derive the private key from knowledge of the public key; and
 - 6) the digital signature is created within the scope of any other restrictions specified or incorporated by reference in the certificate.
- c) The Act requires that a digital signature can be used to objectively identify the person signing the electronic record. A public-key based digital signature is capable of objectively identifying the person signing the electronic record if:
 - 1) the acceptor of the digitally signed document can verify the document was digitally signed by using the signer's public key and message digest function to decrypt the message; and
 - 2) the issuing certification authority, through a process defined in the CP or CPS, authenticates the subscriber and the subscriber's public key and identifies the forms of identification required of the signer prior to issuing the certificate.
- d) The Act requires that the digital signature be reliably created by an identified person and cannot be readily duplicated or compromised. The signer and all other persons that rightfully have access to signature devices assume a duty to exercise reasonable care to retain control and maintain secrecy of the signature device and to protect it from any unauthorized access, disclosure, or use during the period when reliance on a signature created by such device is reasonable.

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- e) The Act requires that the digital signature be created, and be linked to the electronic record to which it relates, in a manner that, if the record or the signature is intentionally or unintentionally changed after signing, the electronic signature is invalidated.

Section 100-60 Suitable Guaranty

- In order to receive certification of a qualified security procedure, an applicant is required to:
- a) Provide suitable guaranty in the form of a surety bond executed by an insurer lawfully operating in this State or an irrevocable letter of credit issued by a financial institution lawfully operating in this State in the amount of \$100,000.
 - b) The form of the suitable guaranty or letter of credit must:
 - 1) identify the insurer;
 - 2) identify the applicant;
 - 3) be made payable to the Secretary for the purpose of persons holding qualified rights of payment against the applicant named as principal of the bond or customer of the letter of credit;
 - 4) state that the bond or letter of credit is issued under the Act; and
 - 5) specify a term of effectiveness of at least five years.

Section 100-70 Audit Requirements

- a) Upon application for certification of a qualified security procedure, the applicant shall submit annually to the Secretary an independent third party audit with an unqualified opinion. If the applying certification authority has been in operation for one year or less, the applicant shall submit an American Institute of Certified Public Accountants Statement of Standards (S.A.S. 70) Type One Audit. If the applying certification authority has been in operation for longer than one year, the applicant shall submit a Type Two Audit. (The American Institute of Certified Public Accountants Statement of Standards (S.A.S. 70) (December 15, 1999; no subsequent dates or editions) is hereby incorporated and is available from the Institute at 1211 Avenue of the Americas, New York NY 10036.)
- b) The auditor shall be a certified public accountant licensed in the State of Illinois, and shall have a current and valid certificate as either a certified information systems auditor by the Information Systems Audit and Control Foundation or as a certified information systems security professional by the International Information Systems Security Certification Consortium.
- c) The auditors shall attest that they have demonstrated significant experience in the application of public key cryptographic technologies and computer security.
- d) The audit shall include the auditor's opinion or attestation that the applicant has implemented and designed certification practices and

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policies to achieve the requirements of the applicant authority's policy and stated control objectives. The audit shall also establish that the applicant authority has the use of a trustworthy system.

Section 100.80 Certification Authorities

Applicants, as a prerequisite to or state of issuing certificates, shall:

- a) inform each subscriber of its agreement to be bound by the CPS and CP before obtaining a certificate;
- b) provide each subscriber with a copy of the CPS and CP, or the Universal Resource Locator where the CPS and CP can be obtained;
- c) include warranty disclaimers, liability limitations and indemnification provisions in their CPS or CP;
- d) inform each subscriber as to changes made to the CPS or CP on a timely basis;
- e) inform each subscriber as to its responsibility to maintain the confidentiality of its private key; and
- f) inform each subscriber as to the applicant's responsibility to maintain a private key and utilization of a trustworthy system.

Section 100.90 Decertification of Certification Authorities

- a) The Secretary may decertify a security procedure employed by a certification authority, in accordance with 5 ILCS 175/10-135d, for failure to comply with any requirement of this Part, for failure to remain qualified for certification, for failure to revoke a certificate pursuant to 5 ILCS 175/15-320, or for failure to comply with a lawful order of the Secretary.
- b) Applicants or certified certification authorities in the State of Illinois shall notify the Secretary in writing, within 10 days, if the certificate authority has had its accreditation, licensing, certification or approval revoked, lapsed or terminated by any other means by another state or authority.
- c) The Secretary may order the summary suspension of certification of a certification authority following an appropriate investigation or review.

Section 100.100 Performance of Services

The certification authority is solely responsible for all duties and responsibilities of contracted services and functions.

Section 100.110 Records Retention

State Records shall be retained in accordance with Section 5-13 of the Act and the State Records Act [5 ILCS 160], when applicable.

Section 100.120 Provisions for Promoting Uniformity

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- a) The Secretary, the Department of Central Management Services or designated State agencies may act as a certification authority under the Act.
- b) The Secretary, the Department of Central Management Services or designated State agencies may contract with an outside vendor to acquire the certification authority services required by this Part.
- c) Any person or entity seeking recognition of a proposed technology that meets the criteria of a qualified security procedure and complies with this Part "may submit, for review by the Secretary's Electronic Signature Steering Committee, a proposal of explanation that delineates a full and complete identification of security procedures. The Secretary's Electronic Signature Steering Committee, after review, may recognize proposed technologies as commercially reasonable for the purpose of certification.

Section 100.130 Foreign and Other Jurisdictional Certificates

- a) The Secretary of State may recognize foreign certification authorities, provided that the foreign certification authority:
 - 1) is certified:
 - A) as a certification authority by the Secretary; or
 - B) licensed by another state of the United States; or
 - C) licensed by the federal government or a federal government agency; and
 - 2) the foreign certificate authority agrees to be bound to the terms of the Illinois CP and CPS.
- b) A foreign certification authority shall provide to the Secretary a certified copy of a license or certification issued by a government entity. A license or certification recognized under this subsection shall be valid in Illinois only during the time it is valid in the issuing jurisdiction.
- c) A foreign certification authority recognized in the State of Illinois shall provide notification, within 10 days, to the Secretary in writing if the certification authority has had its accreditation, licensing, certification or approval revoked, lapsed or terminated by any other means by another state or authority.
- d) Certification authorities certified by the Secretary shall not be required to accept certificates issued by international entities.
- e) A foreign certification authority doing business in the State of Illinois shall be subject to the laws of Illinois.
- f) The certified certificate authority CPS accepts foreign certificates.

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Rules Governing the Illinois Veterans Scholarship2) Code Citation: 95 Ill. Adm. Code 1103) Section Numbers: Proposed Action:

110.10 Repeal
 110.20 Repeal
 110.30 Repeal
 110.40 Repeal
 110.50 Repeal
 110.60 Repeal
 110.70 Repeal
 110.80 Repeal
 110.90 Repeal
 110.100 Repeal
 110.110 Repeal
 110.120 Repeal
 110.130 Repeal
 110.140 Repeal
 110.150 Repeal
 110.160 Repeal
 110.170 Repeal
 110.180 Repeal
 110.190 Repeal
 110.200 Repeal
 110.210 Repeal
 110.220 Repeal
 110.230 Repeal
 110.240 Repeal
 110.250 Repeal
 110.260 Repeal
 110.270 Repeal
 110.280 Repeal
 110.290 Repeal
 110.300 Repeal
 110.310 Repeal
 110.320 Repeal
 110.330 Repeal
 110.340 Repeal

4) Statutory Authority: 110 ILCS 947/40

5) A Complete Description of the Subjects and Issues Involved: This part was intended to provide a scholarship to Illinois veterans who served in the military during certain periods. This program was transferred to ISAC in 1986 (23 Ill. Adm. Code 2733).

6) Will this proposed rule replace any emergency rule in effect? No

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NOTICE OF PROPOSED REPEALER

7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No10) Statement of Statewide Policy Objectives: Repealed11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Please mail written comments to the attention of:

Richard A. Luttrell
 833 S. Spring Street - PO Box 19432
 Springfield IL 62794-9432
 (217) 785-6083

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated.

The full text of the proposed repealer begins on the next page.

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED REPEALER

TITLE 95: VETERANS AND MILITARY AFFAIRS
CHAPTER 1: DEPARTMENT OF VETERANS' AFFAIRS

PART 110

RULES GOVERNING THE ILLINOIS VETERANS SCHOLARSHIP (REPEALED)

- Section
110.10 Administration and Payment for the Illinois Veterans Scholarship
110.20 Payment by Comptroller to Institutions
110.30 Determination of Eligibility
110.40 Active Service of One Year or More--Eligibility
110.50 Honorable Service of One Day or More--Eligibility
110.60 Medical Discharge Before One Year of Service--Eligibility
110.70 Dishonorable Discharge--Ineligibility
110.80 Medical Discharge Claim
110.90 Residency Qualifications
110.100 Return to Illinois After Separation From Armed Forces
110.110 Qualifications for Current Member of Armed Forces
110.120 Academic Requirements
110.130 Application Documentation
110.140 Applications from Current Members of Armed Forces
110.150 Proof of Application Information
110.160 Receipt of Application Materials
110.170 Institution Maintenance of Materials
110.180 Duration of Scholarship
110.190 Full-time Enrollment
110.200 Part-time Enrollment
110.210 Semester Enrollment--Receipt of Points
110.220 Semester System and Summer Term
110.230 Time to Complete Course of Study
110.240 Credit for Instructional Programs
110.250 Department Approval for Course With No Credit
110.260 Initiation of Appeal for Award Denial
110.270 Reimbursement of Tuition and Application Fees
110.280 Reimbursement of Other Fees
110.290 Non-Reimbursement Fees
110.300 Scholarship Rate Coverage
110.310 Institution Responsibility for Submission of Information Relative to Reimbursement
110.320 Simultaneous Reimbursement
110.330 Use of Scholarship at Two or More Institutions Simultaneously
110.340 Audits of Reports

AUTHORITY: Implementing Section 4.1 and authorized by Section 2(9) of "AN ACT creating the Illinois Department of Veterans' Affairs" (Ill. Rev. Stat. 1981, ch. 126 1/2, pars. 69.1 and 67(9)).

SOURCE: Filed and effective December 15, 1977; codified at 6 Ill. Reg. 8444;

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repealed at 24 Ill. Reg. _____, effective _____.

Section 110.10 Administration and Payment for the Illinois Veterans Scholarship

The Illinois Veterans Scholarship (henceforth referred to as the 'Scholarship') shall be administered by and paid for out of funds made available to the Illinois Department of Veterans' Affairs (herein referred to as the 'Department').

Section 110.20 Payment by Comptroller to Institutions

The amounts that become due to any State-controlled college, university, or community college (herein referred to as the 'Institution') shall be payable by the Comptroller to such Institution on vouchers approved by the Department.

Section 110.30 Determination of Eligibility

The Department, or its designated representative at such Institution, shall determine the eligibility of the persons making application for the benefits provided for in the Statutes.

Section 110.40 Active Service of One Year or More--Eligibility

Any person who has served one (1) year or more of total active service in the United States Armed Forces as indicated on the DD 214, Report of Separation (herein referred to as 'DD 214').

Section 110.50 Honorable Service of One Day or More--Eligibility

Any person who had served one day or more of honorable service, and subsequently received an honorable discharge on or before August 11, 1967, shall be eligible for the Scholarship.

Section 110.60 Medical Discharge Before One Year of Service--Eligibility

Any veteran who was discharged before one (1) year of service for medical reasons from such service may be eligible for the Scholarship.

Section 110.70 Dishonorable Discharge--Ineligibility

The Scholarship shall not be awarded to veterans who received a discharge from the United States Armed Forces under Dishonorable Conditions (i.e. Dishonorable, Under Conditions Other Than Honorable, Less Than Honorable, etc.).

Section 110.80 Medical Discharge Claim

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To claim a Medical Discharge, the veteran must have a verified service-connected disability.

Section 110.90 Residency Qualifications

To qualify for the Scholarship, the veteran must meet one of the following residency criteria designated below:

- a) Any person who was a resident of Illinois at the time of entering the United States Armed Forces, or
- b) Any person who left the State of Illinois, but was a resident of Illinois until at least six (6) months prior to entering the United States Armed Forces, or
- c) Any person who was a student of an Illinois high school, college, university or community college at the time of entering the Armed Forces.

Section 110.100 Return to Illinois After Separation From Armed Forces

The veteran must return to the State of Illinois within six (6) months after separation from the United States Armed Forces.

Section 110.110 Qualifications for Current Member of Armed Forces

Any resident of Illinois who is currently a member of the United States Armed Forces, has served in such service for at least one (1) year, and who would otherwise be qualified for the Scholarship, if discharged from service shall be eligible to receive such Scholarship.

Section 110.120 Academic Requirements

The veteran must meet the admission requirements and be accepted at the Institution to which the veteran is making application.

Section 110.130 Application Documentation

The veteran must provide official documentation which provides the following:

- a) Date of entry
- b) Date of separation
- c) Type of discharge
- d) Total active service
- e) Home or place of entry into service
- f) Home or place of separation from the service

Section 110.140 Applications from Current Members of Armed Forces

If the applicant is currently a member of the United States Armed Forces and has not been separated, a letter from his/her commanding officer or other official indicating current military status, length of service, and state of

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED REPEALER

residency upon entrance into the service, shall be required in lieu of the DD 214.

Section 110.150 Proof of Application Information

If the documentation does not verify the information above, proof must be obtained from whatever official source to prove the necessary missing information.

Section 110.160 Receipt of Application Materials

It will be the responsibility of the Institution to receive the above materials to determine eligibility. Any irregular applications must be referred to the Department for verification of award eligibility.

Section 110.170 Institution Maintenance of Materials

Materials received by the Institution determining eligibility must be maintained in the student's file at the Institution at which the student has been, or currently is, in attendance.

Section 110.180 Duration of Scholarship

The Scholarship is good for a period of time that is equivalent to four (4) calendar years of full-time enrollment, including summer terms.

Section 110.190 Full-time Enrollment

Full-time enrollment means 12 semester hours per quarter or the equivalent thereof per term.

Section 110.200 Part-time Enrollment

Scholarship utilized by veterans carrying less than 12 semester hours of courses per semester, or 8 quarter hours of courses per quarter or the equivalent thereof per term shall be computed in the proportion which the number of hours so carried bears to 12 semester or quarter hours or the equivalent thereof per term.

Section 110.210 Part-time Enrollment--Receipt of Points

To accomplish this, the veteran shall receive a maximum of 120 points. These points shall be allocated as follows:

Hours of Study	Point Equivalency For Quarter Terms	Point Equivalency For Semester Terms
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1 1
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A course which does not have credit given must be approved by the Department.

Section 110.260 Initiation of Appeal for Award Denial

It shall be the responsibility of either the student or the Institution to initiate the appeal if either the student or Institution has not been satisfied with the decision of the Department regarding eligibility.

Section 110.270 Reimbursement of Tuition and Application Fees

All tuition and application fees shall be reimbursed by the Department.

Section 110.280 Reimbursement of Other Fees

The following fees shall be reimbursed by the Department:

- a) Activity Fee
- b) Matriculation/Application Fee
- c) Graduation Fee
- d) Term Fee
- e) Instructional Fee
- f) Proficiency Fee
- g) College Level Exam Program Fee (CLEP)
- h) Placement Tests
- i) Board of Governor's (BOG) Fee

Section 110.290 Non-Reimbursement Fees

Non-reimbursable fees are as follows:

- a) Book Rental Fees
- b) Service Fees
- c) Laboratory Fees
- d) Supply Fees
- e) Union Building Fees
- f) Insurance Fees
- g) Transcript Fees
- h) Late Registration Fees
- i) Add/Drop Fees
- j) Any fee established for the operation, maintenance or rental of equipment or buildings.

Section 110.300 Scholarship Rate Coverage

The Scholarship shall only cover tuition and fees at the In-District/In-State Rates.

Section 110.310 Institution Responsibility for Submission of Information Relative to Reimbursement

Hours of Study
Point Equivalency
For Summer Terms

1 1
2 2
3 3
4 4
5 5
6 6
7 7
8 8
9 9
10 10
11 11
12 12

Section 110.220 Semester System and Summer Term

The Institution must be on the semester system and the summer term may be 12 weeks or less in length before using the Point Equivalency for summer.

Section 110.230 Time to Complete Course of Study

The student shall have twelve (12) years from the initial term of study or 120 points used, whichever comes first to complete his/her course of study.

Section 110.240 Credit for Instructional Programs

The Scholarship may be awarded for credit or credit-equivalency course work through Instructional Programs (i.e. Baccalaureate-oriented, Occupation-oriented, Career-oriented, or General Studies-oriented programs) as specified by the Department.

Section 110.250 Department Approval for Course With No Credit

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Each Institution is responsible for submitting information to the Department relative to reimbursement of tuition and fees at some point after the end of the Financial Responsibility date. (i.e. the date after which the student is financially responsible for all remaining tuition and fees or a date established by the Institution for the best reporting time of students who are financially responsible for their tuition and fees.)

Section 110.320 Simultaneous Reimbursement

A student cannot be simultaneously reimbursed by the Scholarship and any other State grant which provides tuition and fee payments (i.e. Illinois State Scholarship Award, General Assembly Scholarship, etc.).

Section 110.330 Use of Scholarship at Two or More Institutions Simultaneously

A student may use the Scholarship at two or more Institutions simultaneously. The student shall be charged at each Institution as if he/she were solely attending that Institution. There shall be no concurrent enrollment agreements between Institutions concerning the Scholarship.

Section 110.340 Audits of Reports

The Department shall establish and conduct audits or records maintained and claims made by the institution for reimbursement.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES/GOVERNOR'S TRAVEL CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) **Heading of the Part:** Travel
- 2) **Code Citation:** 80 Ill. Adm. Code 2800
- 3) **Section Numbers:** Adopted Action:
Appendix A Amend
- 4) **Statutory Authority:** Implementing and authorized by Sections 12, 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12, 12-1, 12-2 and 12-3] and authorized by the Travel Regulation Council (80 Ill. Adm. Code 3000).
- 5) **Effective Date of Amendments:** May 9, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) **Date Notice of Proposal Published in Illinois Register:** January 14, 2000
24 Ill. Reg. 397
- 10) Has JCAR issued a Statement of Objection to the amendments? No
- 11) Differences between proposal and final version: No changes
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will these amendments replace an emergency amendment currently in effect?
Yes
- 14) Are there any amendments pending on this Part? No
- 15) **Summary and Purpose of Amendments:** The amendment increases lodging rates in Rock Island County and Washington, D.C.
- 16) Information and questions regarding this adopted amendment shall be directed to: Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES/GOVERNOR'S TRAVEL CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE 1: GENERAL TRAVEL CONTROL

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES/
GOVERNOR'S TRAVEL CONTROL BOARDPART 2800
TRAVEL

SUBPART A: GENERAL

Section
2800.100 Definitions
2800.110 Application and Interpretation

SUBPART B: TRAVEL CONTROL SYSTEM

Section
2800.200 Travel Control System
2800.210 Travel Coordinator
2800.220 Travel Authority
2800.230 Government Charge Cards
2800.235 Expenses at Headquarters or Residence
2800.240 Preparation and Submission of Travel Vouchers
2800.250 Approval and Submission of Travel Vouchers
2800.260 Items Directly Billed
2800.270 Conference Registration Fees

SUBPART C: TRANSPORTATION EXPENSES

Section
2800.300 Incidental Expenses for Private and State Owned Automobiles

SUBPART D: LODGING

Section
2800.400 Conference Lodging
2800.410 Employee Owned or Controlled Housing

SUBPART E: PER DIEM MEALS

Section
2800.500 Conference Meals

SUBPART F: MISCELLANEOUS RULES

Section
2800.600 Lack of Receipts
2800.650 Headquarter Designation for Agency Heads

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES/GOVERNOR'S TRAVEL CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: EXCEPTIONS TO THE RULES

Section
2800.700 Special Exceptions-Requested in Advance
2800.710 Ex Post Facto Exceptions

Appendix A Reimbursement Schedule

AUTHORITY: Implementing and authorized by Sections 12, 12-1, 12-2, and 12-3 of the State Finance Act [30 ILCS 105/12, 12-1, 12-2 and 12-3] and authorized by the Travel Regulation Council (80 Ill. Adm. Code 3000).

SOURCE: Amended March 11, 1976; amended at 2 Ill. Reg. 30, p. 215, effective August 1, 1978; new rules adopted at 4 Ill. Reg. 28, p. 155, effective July 1, 1980; old rules repealed at 4 Ill. Reg. 30, p. 1224, July 1, 1980; amended at 5 Ill. Reg. 150, effective January 1, 1981; amended at 6 Ill. Reg. 6682, effective July 1, 1982; amended at 7 Ill. Reg. 9205, effective August 1, 1983; amended at 8 Ill. Reg. 127, 130, effective January 1, 1984; amended at 8 Ill. Reg. 14243, effective August 1, 1984; codified at 8 Ill. Reg. 19350; amended at 10 Ill. Reg. 18014, effective October 6, 1986; Part repealed, new Part adopted at 12 Ill. Reg. 736, effective September 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17981, effective November 27, 1991; amended at 16 Ill. Reg. 4831, effective March 12, 1992; amended at 16 Ill. Reg. 13823, effective September 1, 1992; amended at 19 Ill. Reg. 36, effective January 1, 1995; amended at 19 Ill. Reg. 7859, effective July 1, 1995; amended at 20 Ill. Reg. 7379, effective May 13, 1996; emergency amendment at 22 Ill. Reg. 12082, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20036, effective November 6, 1998; emergency amendment at 24 Ill. Reg. 867, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 7655, effective 1, 1.

MW 9/20/00

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES/GOVERNOR'S TRAVEL CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 2800-APPENDIX A Reimbursement Schedule

The following rates are effective for Agencies under the jurisdiction of the Board.

Type of ReimbursementRateMileage

Auto

See Section 3000.300(f)(2)
of the Travel Regulation
Council Rules (80 Ill. Adm.
Code 3000.300(f)(2))

Plane

\$0.40/mile

Per Diem/Meals

Within the State of Illinois

Breakfast \$ 5.50
Lunch \$ 5.50
Dinner \$ 17.00
Per Diem -- Quarter \$ 7.00
Per Diem -- Day \$ 28.00

Outside the State of Illinois

Breakfast \$ 6.50
Lunch \$ 6.50
Dinner \$ 19.00
Per Diem -- Quarter \$ 8.00
Per Diem -- Day \$ 32.00

LodgingChicago Metro
County of Cook

See Section 3000.400(b)
of the Travel
Regulation Council Rules
(80 Ill. Adm. Code
3000.400(b))

Countries of DuPage, Kane, Lake,
McHenry, and Will

\$80.00

Downtown Illinois

Countries of Champaign, Kankakee,
LaSalle, McLean, Macon, Madison,
Peoria, Rock Island, St. Clair,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES/GOVERNOR'S TRAVEL CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Sangamon, Tazewell, and Winnebago \$60.00

All other Downstate Counties \$50.00

Out-of-State

\$100.00

Washington, D.C. (also includes
the cities of Alexandria, Falls
Church, and Fairfax,
and the counties of Arlington,
Loudoun, and Fairfax in
Virginia, and the counties of
Montgomery and Prince Georges
in Maryland)

\$118.00

Washington, D.C. (includes
the cities of Alexandria,
Falls Church, and Fairfax,
and the counties of Arlington,
Loudoun, and Fairfax in
Virginia, and the counties of
Montgomery and Prince Georges
in Maryland)

\$110.00

New York City (includes
the boroughs of the Bronx,
Brooklyn, Manhattan, Queens,
and Staten Island; Nassau
and Suffolk Counties)

\$90.00

All other out-of-state locations

Out-of-Country

Actual Reasonable

(Source: Amended at 24 Ill.

Reg.

7655

effective

MAY - 9 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Appeal of Child Abuse and Neglect Investigation Findings

2) Code Citation: 89 Ill. Adm. Code 336

3) Section Numbers: Proposed Action:

336.20 Amended

336.30 Amended

336.40 Amended

336.50 Amended

336.60 Amended

336.70 Amended

336.80 Amended

336.90 Amended

336.100 Amended

336.110 Amended

336.120 Amended

336.130 Amended

336.140 Amended

336.150 Amended

336.160 Amended

336.170 Amended

336.180 New

336.190 New

336.200 New

336.210 New

336.220 New

336.230 New

4) Statutory Authority: 325 ILCS 5/7.16

5) Effective Date of Rulemaking: June 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: November 29, 1999 at 23 Ill. Reg. 13142

10) Has JCAR issued a statement of objection to this amendment? No

11) Differences between proposal and final version: Changes made to the final version include those editing and formatting changes recommended by the

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NOTICE OF ADOPTED AMENDMENTS

Administrative Code Division, the Joint Committee on Administrative Rules, and the Illinois Education Association (IEA). Editing changes resulting from IEA comments include the deletion of the phrase "refusal of" from subsection 336.60(f) to clarify that an appellant need not request the expungement of the indicated report prior to filing an appeal and the change of the draft language used in subsection 336.30(f) to accurately track the language used in Section 7.16 of the Abused and Neglected Child Reporting Act.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JACE? Yes

13) Will this amendment replace an emergency rulemaking currently in effect? No

14) Are there any amendments pending on the Part? No

15) Summary and Purpose of Amendments: Primary revisions to this Part implement a 90-day process for administrative appeals of indicated findings of child abuse or neglect. Other adopted revisions address the addition of the Juvenile Court Act standard of evidence to allow hearsay, the subpoenaing of children under 14 years of age, changes in the Abused and Neglected Child Reporting Act concerning appeals for failing to remove an unfounded report, default of the Department, and discovery.

1) Information and questions regarding these adopted amendments shall be directed to:

Mr. Jeff Osowski

Office of Child and Family Policy

Department of Children and Family Services

406 East Monroe Street, Station #65

Springfield, Illinois 62701-1498

Telephone: (217) 524-1983

TDD: (217) 524-3715

E-Mail: cfpolicy@dcfs.mai.state.il.us

The full text of the adopted amendments begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 336
APPEAL OF CHILD ABUSE AND NEGLECT
INVESTIGATION FINDINGS

Section	Purpose
336.10	Definitions
336.20	Notice of Department Decision
336.30	Notice of the Right to Appeal and Receive an Administrative Hearing
336.40	Who May Be Appealed
336.50	Who May Appeal
336.60	What May Be Appealed
336.70	What May Be Appealed
336.80	Appearance/Authorization to Represent
336.90	How to Request a Hearing/Sufficiency of the Appeal Process
336.90	Confidentiality During the Expungement Process
336.100	Internal Review
336.100	Rights and Responsibilities in Administrative Hearings
336.110	Internal Review Decision
336.110	The Administrative Hearing and Pre-Hearing Conference
336.120	The Administrative Law Judge Rights and Responsibilities
336.130	Administrative Hearings
336.130	Consolidating and Severing Issues and Parties
336.140	Exchange of Information Combined or Separate Hearings
336.150	Continuances
336.160	Attendance of Witnesses
336.170	Testimony by Telephone
336.180	Interpreters
336.190	Grounds for Dismissal
336.200	Abandonment of Appeal/Default
336.210	Record of an Administrative Hearing
336.220	Final Administrative Decision
336.230	Severability of This Part

AUTHORITY: Authorized by Section 5 of the Children and Family Services Act (20 ILCS 505/5); Implementing Section 7.16 of the Abused and Neglected Child Reporting Act (325 ILCS 5/7.16).

SOURCE: Adopted at 17 Ill. Reg. 1026, effective January 15, 1993; amended at 19 Ill. Reg. 3465, effective March 1, 1995; emergency amendment at 20 Ill. Reg. 4817, effective March 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10317, effective August 1, 1996; amended at 24 Ill. Reg. 7660, effective 1/1/00.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Section 336.20 Definitions

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

creates a substantial risk of physical or mental injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;

commits or allows to be committed an act or acts of torture upon such child; or

inflicts excessive corporal punishment. *1* or [325 ILCS 5/3]

commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961, against the child [325 ILCS 5/3]

"Administrative hearing" in the context of this Part means a formal review of a decision made by a Department child protection investigator which has been upheld by an internal review.

"Administrative law judge" means a licensed attorney who is appointed by the Director of the Department and is responsible for conducting the administrative hearing, including pre-hearings, and issuing a recommended decision fair hearing.

"Administrator of the Administrative Hearing Unit" means the person who is responsible for coordinating the administrative hearing appeal process.

"Administrator of the child protection internal review system" means the person who is responsible for coordinating the child protection internal review process.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Amend" as used in this Part means changing an allegation contained in an indicated report of child abuse or neglect or changing identifying information regarding the subjects of an indicated child abuse or neglect report.

"Appeal process" means the prehearing conference and two-step appeal process, including the child protection internal review and the formal administrative hearing.

"Appellant" means the person who requests a review or administrative hearing or in whose behalf a review and administrative hearing is requested.

"Authorized Representative" means a person, including an attorney, authorized in writing by a party to assist in the appeal process. If the party is unable to reduce the authorization to writing, the Department, on request, shall assist the party in doing so.

"Chief Administrative Law Judge" means the person who is responsible for the supervision of the Administrative Law Judges and the coordination of the administrative hearing appeal process.

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services. [325 ILCS 5/31].

"Child protection appeal form" means the Department's form used to gather appellants' information supporting their request to amend or expunge the indicated report.

"Child protection internal review" means an informal review held at the Department's child protection administrative level in order to reevaluate the determination made by a child protection investigator.

"Credible evidence of child abuse or neglect" means that the available facts, when viewed in light of surrounding circumstances, would cause a reasonable person to believe that a child was abused or neglected.

"Date of action" means the date on which any Department action becomes effective.

"Date of appeal" is the postmark on the appellant's request to appeal the Department's decision that the report was indicated.

"Day" for purposes of computation of time, means calendar day.

"Department" means the Illinois Department of Children and Family Services.

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"Department's representative" means the person who is responsible for presenting the Department's case.

"Discovery", for purposes of this Part, means the rights of any party to request and have access to, in advance of the pre-hearing, any documents and list of witnesses in the possession of any other party.

"Expunge", as used in this Part, means removing identifying information regarding the subjects of an indicated child abuse or neglect report from the computer file of the State Central Register and from paper records kept by the Department.

"Final administrative decision" means the Department's final decision, order or determination on an appealed issue rendered by the Director in a particular case, which affects the legal rights, duties or privileges of participants and which may be further appealed to the circuit court under the Administrative Review Law.

"Indicated report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Individual legally acting on a person's behalf" means an individual who has been appointed by a court of competent jurisdiction to act on behalf of a person when the person is incompetent, incapacitated, or otherwise determined unable to represent himself or herself.

"Neglected child" means any child whose parent or other person is responsible for the child's welfare withholds or denies who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care denied solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving provide the proper or necessary support, or medical or other remedial care recognized under State law as necessary for a child's well-being (including where there is harm or substantial risk of harm to the child's health or welfare), or other care necessary for a child's well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood, or urine or meconium contains any amount of controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected or abused for the sole reason that the such child's parent or other person

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care under Section 4 of the Abused and Neglected Child Reporting Act [95-1169-573]. Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because such parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, such child is subject to the requirements of this Act for the reporting of, investigation of, and provision of, protective services with respect to such child and his health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for such necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code. [325 ILCS 5/3]

"Parents" means the child's legal parents whose rights have not been terminated.

"Parties" means the Department and those persons who have appealed the final decisions made by the Department. No person may join in an appeal unless that person would have standing to appeal the decisions himself or herself.

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect. [325 ILCS 5/3]

"Person responsible for the child's welfare" means the child's parent; guardian; foster parent; operator, supervisor, or employee of a public or private residential agency or institution; or public or private profit or not-for-profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect. [325 ILCS 5/3]

"Preponderance of the evidence" means the greater weight of the evidence or evidence which renders a fact more likely than not.

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"Request for an appeal" means the written request by an appellant for an administrative hearing to determine whether the record of the report should be amended, expunged, or removed on the grounds that it is inaccurate or being maintained in a manner inconsistent with the Abused and Neglected Child Reporting Act. If the appellant is unable to request an appeal in writing, the Agency shall help the appellant put the request in writing.

"State Central Register" means the specialized Department unit which receives and transmits reports of alleged child abuse and neglect.

"Stipulation" means an agreement by the parties that certain facts are true and can be introduced into evidence without further proof.

"Subject of report" means any child reported to the State Central Register, and his or her parent, personal guardian, or other person responsible for the child's welfare, who is also named in the report. [325 ILCS 5/3]

"Timely written notice" means a notice which complies with the requirements of Section 336.80(b) of this Part.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists. [325 ILCS 5/3]

"Unknown perpetrator" means a person who may have caused specific abuse or neglect, but has not been identified or made known to the authorities.

(Source: Amended at 24 Ill. Reg. 7660 -, effective JUN 1 1980)

Section 336.30 Notice of Department Decision Who-May-Appeal

The State Central Register shall provide a written notification of final disposition of each child abuse and neglect investigation to mandated reporters who reported suspected child abuse or neglect as well as the child's parent, personal guardian, or legal custodian; the Juvenile Court Judge (when a State ward is involved); the Cook County Public Guardian, Juvenile Division (Cook County Department wards only); and the alleged perpetrator. The notice shall provide the following information:

- a specific statement whether the Department has determined the report indicated or unfounded as a result of an investigation;
- the name of the perpetrator;
- the allegations determined indicated;
- length of time the indicated case shall be retained by the Department;
- a statement that a Department review of an indicated decision is

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- available;
- 1) a statement that, if a review of the Department's decision is desired, it must be requested in writing within 60 days after notification of the completion of the investigation by the Child Protective Service Unit, as determined by the date of the notifications sent by the Department; and
 - 2) the name and address of the individual who must be contacted in order to request a review of the Department's decision.
- a) any person who has been named as a subject in a report of child abuse or neglect has the right to appeal any of the action(s) or inaction(s) listed in Section 336.40 of this Part, personally or by:
 - 1) the appellant's authorized representative; Such authorization must be in writing and notated; the representative may be legal counsel, a relative, a friend or other spokesperson; or
 - 2) an individual legally authorized to act on behalf of the appellant when the appellant is incompetent, incapacitated, or otherwise unable to speak for him/herself. A certified copy of the court order authorizing the individual to act on behalf of the appellant must be provided;
 - b) if an appellant has an authorized representative or an individual legally acting on the appellant's behalf, that representative or individual may exercise the rights of the appellant in the appeal process; these rights include the right to:
 - 1) review and copy record material;
 - 2) receive Department notices;
 - 3) speak in the administrative hearing process; and
 - 4) take any other actions permitted an appellant during the appeal process;

(Source: Amended at 24 Ill. Reg. 7660 - effective JUN - 1 2000)

Section 336.40 Notice of the Right to Appeal and Receive an Administrative Hearing What May Be Appealed

- a) The Department shall provide clear instructions on how to request and receive an administrative hearing. This explanation shall be provided within 10 days after the final determination has been entered into the State Central Register.
- b) Language of Notices

All written notices used in this Part shall be in the primary language of the person to whom the notice is sent.
- c) To begin the appeal process the subject shall request in writing that the Department review its decision. The request must be mailed or faxed to the address or fax number designated in the written notice within 60 days after notification of the completion of the investigation by the Child Protective Services Unit, as determined by the date of the notification sent by the Department.

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- d) Upon receipt of a timely request for an appeal, the Department shall send the appellant within 20 days after the receipt of the request a copy of the investigative file from which confidential information has been deleted in accordance with 89 Ill. Adm. Code 431. Confidentiality of Personal Information of Persons Served by the Department.
- e) When requested, Department staff shall assist the subjects of a child abuse or neglect report in preparing a written brief of appeal.
- f) The Department shall not hinder an appellant who wishes to proceed with the appeal process.
- g) Other Notices

The following notices shall be hand-delivered with a certificate of delivery or sent by certified mail, return receipt requested, to "the addressee only":

 - 1) notice of pre-hearing conference and administrative hearing dates; and
 - 2) notice of final administrative decision.

The following issues may be appealed through the appeal process:

 - a) an indicated finding of child abuse or neglect;
 - b) failure to remove an unfounded report of child abuse or neglect from the State Central Register within 30 calendar days of the determination that the report is unfounded; unless the report is being retained as a false report per the subject's request;
 - c) refusal or failure to grant a request for an internal child protection review within the time frames specified in this Part; for the purpose of expunging or amending information contained in the child abuse and neglect investigation record or removing the record entirely; and
 - d) refusal or failure after an internal review to expunge or amend or remove information about an indicated report of child abuse or neglect that the appellant believes is inaccurate or maintained in a manner inconsistent with the Abused and Neglected Child Reporting Act (401c Rev. Stat., 1991, ch. 93, par. 2051 et seq.);

(Source: Amended at 24 Ill. Reg. 7660 - effective JUN - 1 2000)

Section 336.50 Who May Appeal What May Not Be Appealed

Any person who has been named as a subject in an indicated or unfounded report of child abuse or neglect has the right to appeal any of the actions or inactions listed in Section 336.50 of this Part. The appeal may be filed by:

- a) the appellant personally; or
- b) the appellant's authorized representative; or
- c) an individual legally acting on a person's behalf. If the appeal is filed by an individual legally acting on a person's behalf, the individual must provide a certified copy of the court order authorizing the individual to act on behalf of the appellant.

The administrator of the child protection internal review system will decide whether an issue is appropriate for an internal review pursuant to Section

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336.40-of-this-Part: The Administrator of the Administrative Hearing Unit will decide whether an issue is appropriate for the administrative hearing process pursuant to Section 336.40 of this Part. The following circumstances are not appropriate for the appeal process:

- a) when the report has already made a final administrative decision on the issue as a result of a previous appeal;
- b) when the issue is not regarding child abuse or neglect report as defined in 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect); these issues may be appealed through a different appeal and Administrative Hearing procedure identified in 89 Ill. Adm. Code 435 (Administrative Appeal and Hearing);
- c) when a judicial decision on the issue being appealed has been made and the official finding of child abuse or neglect has been made and the appeal is requesting that the record of the report of child abuse or neglect be expunged, amended or removed;
- d) when the 60-day time frame for requesting an appeal has expired.

Section 336.80-of-this-Part: The Appeal Process, explains how to calculate the 60-day timeframe.

(Source: Amended at 24 Ill. Reg. 76 60 effective JUN -1 2000)

Section 336.60 What May Be Appealed the Right to Appeal and Receive a Pass Hearing

The following issues may be appealed through the appeal process:

- a) an indicated finding of child abuse or neglect;
- b) failure to remove an unfounded report of child abuse or neglect from the State Central Register involving the death of a child, the sexual abuse of a child, or serious physical injury to a child after the passage of three years from the date the final finding is entered into the State Central Register, unless the report is being retained as a false report at the subject's request;
- c) failure to remove an unfounded report made by a mandated reporter involving a report designated as a Priority One or Two in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect) after the passage of 12 months from the date the final finding is entered into the State Central Register, unless the report is being retained longer under subsection (b) of this Section or the report is being retained as a false report at the subject's request;
- d) failure to remove an unfounded report made by a mandated reporter involving a report designated as a Priority Three in Appendix B of 89 Ill. Adm. Code 300 after passage of 60 days from the date the final finding is entered into the State Central Register, unless the report is being retained longer under subsection (b) or (c) of this Section or the report is being retained as a false report at the subject's request;
- e) failure to remove any other unfounded report, not retained for a

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longer period of time under any of the preceding subsections, within 30 days from the date the final finding is entered into the State Central Register, unless the report is being retained as a false report at the subject's request;

- e) failure to expunge or remove information about an indicated report of child abuse or neglect that the appellant believes is maintained in a manner inconsistent with the Abuse and Neglected Child Reporting Act; and
- g) whether the Department determined retention period assigned to the indicated report is in accordance with 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by DCF). The Department shall inform the subjects of a child abuse or neglect report of the hearing related to the Department's decision. The Administrative Hearing shall provide clear instructions on how to request a child protection internal review and receive an administrative hearing, if appropriate. This explanation shall be provided within 18 days after the investigation of a report of child abuse or neglect has been completed and the final determination has been entered into the State Central Register;
- b) this explanation shall be provided in writing in the subject's primary language;
- c) When requested, Department staff shall assist the subjects of a child abuse or neglect report in preparing a written appeal;
- d) the Department may not hinder an appellant who wishes to proceed with the appeal process.

(Source: Amended at 24 Ill. Reg. 76 60 effective JUN -1 2000)

Section 336.70 Appearance/Authorization to Represent Notice of Department Decisions

- a) During the appeal, parties may represent themselves or may be represented by an Authorized Representative.
- b) No person shall be allowed to act as an Authorized Representative in any matter before the Administrative Hearings Unit without first filing a written authorization with the Administrative Hearings Unit. The authorization shall be effective only for the particular matter in which it is filed, unless the matter has been consolidated with other proceedings by order of the Chief Administrative Law Judge or the assigned Administrative Law Judge.
- c) No particular form is required to file a written authorization for representation. However, all authorizations filed with the Administrative Hearings Unit shall be notarized, signed by the appellant and Authorized Representative, and identify:
 - 1) the name, address, and phone number of the party represented;
 - 2) the name, address, and phone number of the authorized

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- representative; and
- 3) the appeal in which representation is authorized.
- d) An Authorized Representative may exercise the rights of the appellant in the appeal process. These rights include the right to:
- 1) review and copy material placed in record during the proceeding;
 - 2) receive Department and administrative hearing notices;
 - 3) request and receive discovery materials;
 - 4) speak, or otherwise be heard, on behalf of the appellant in the administrative hearing process;
 - 5) have an interpreter at the Department's expense; and
 - 6) take any other actions permitted an appellant during the appeal process.

- a) Required Notices
- Subjects have the right to receive a timely written notice of Department decisions as to whether a child abuse or neglect report is indicated or unfounded. In order for a notice to be considered timely, it must be mailed within 18 calendar days after the final determination has been entered into the State Central Register.
- b) Content of Notices
- Each required notice of a Department decision shall:

- 1) include a specific statement whether the Department has determined the report is indicated or unfounded as a result of an investigation;
- 2) state that a Department review of an indicated decision is available;
- 3) state that if a review of the Department's decision is desired, it must be requested in writing within 60 calendar days of the postmark on the notice; and
- 4) provide the name and address of the individual who must be contacted in order to request a review of the Department's decision.

- c) Written Notices
- All written notices used in this Part shall be in the appellant's primary language.
- d) The following notices shall be hand-delivered with a certificate of delivery or sent by certified mail, return receipt requested, to the addressee only:
- 1) the Department's decision that a report is indicated;
 - 2) the final administrative decision of an administrative hearing;
 - e) All other notices referenced in this Part shall be sent by regular mail.

(Source: Amended at 24 Ill. Reg. 7660, effective
JUN 1 2000)

Section 336.80 How to Request a Hearing/Sufficiency the Appeal Process

After the Department has indicated a report and issued a notice of a right to

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an administrative hearing, a subject of a report may appeal by filing a timely and sufficient written Request for Appeal at the offices of the Administrative Hearings Unit.

- a) For purposes of determining timeliness, an appeal shall be deemed filed:
- 1) as of the date of the postmark; or
 - 2) the appeal was filed in person at the office of Administrative Hearings Unit; or
 - 3) the date the appeal was received by electronic facsimile transmission at the Administrative Hearings Unit office.
- b) When the last day for the filing of an appeal falls upon a day on which the Administrative Hearings Unit is not open for business, an appeal shall be deemed timely if filed by the first regular business day thereafter.
- c) An appeal shall be deemed sufficient if it provides the following information in legible form:
- 1) name, address and phone number (if any) of the appellant and the State Central Register number; and
 - 2) name, address and phone number of the appellant's representative (if applicable).
- d) In the event that the Chief Administrative Law Judge finds an appeal to be timely but not sufficient (see subsections (c)(1) and (2) above), the appeal and a request for the required missing information shall be returned to the appellant within five days after receipt by the Administrative Hearings Unit. If the appellant re-files a sufficient appeal within five days from the postmark of the date that appeal is returned, the appeal shall be considered timely. The Administrative Hearings Unit shall not consider an appeal actionable, and no time frames shall begin to run, until receipt of a sufficient appeal. If the appeal does not have a legible name or address, the Chief Administrative Law Judge may dismiss the appeal.
- e) Appellants unable to file a written request for an appeal may request and receive appropriate assistance from Department field office staff to ensure that a proper written request for an appeal is made.
- a) There are two levels of appeal in the appeal process--The two levels are:
- 1) a child protection internal review and
 - 2) an administrative hearing.
- b) To begin the appeal process the subject shall request in writing--that the Department review its decision--The request must be mailed within 60 calendar days of the postmark on the notice of the Department's decision that the report was indicated--The request must be submitted to the Department staff person designated in the written notice--If the appellant is unable to request an appeal in writing--the Department shall help the appellant put the request in writing upon request.

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(Source: Amended at 24 Ill. Reg. 7660 effective
JUN-1-2000)

Section 336.90 Confidentiality During the Expungement Process Child-Protection
Internal-Review

- a) The Department has an affirmative duty to protect the confidentiality of personal information, in accordance with 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department) and the Adoption Assistance and Child Welfare Act of 1980 (42 USC 671(a)(9)). Confidentiality shall be preserved throughout the administrative hearing, the transmittal of the Administrative Law Judge's recommendation to the Director and the release of the final administrative decision.
- b) The Administrative Law Judge has the right to exclude any individual or agency who does not have the right of access to the information being presented in accordance with the Federal Adoption Assistance and Child Welfare Act of 1980, the Children and Family Services Act, the Abused and Neglected Child Reporting Act, and any other pertinent Act.
- c) The Administrative Law Judge has the authority to bifurcate the hearing into separate segments which deal with issues of other parties in order to preserve confidentiality as mandated under applicable statutes and rules and to prohibit discussion or introduction of evidence that is outside of the scope of the issues being presented in that segment.
- d) A child-protection-internal-review-is-required-before-an administrative hearing is granted unless the appellant has requested a child-protection-internal-review-and-the request has been denied (e-g: the request for appeal was not received within required timeframes).
- e) Upon receipt of the request for an appeal the Department shall send the appellant via certified mail a child-protection appeal form with a copy of the investigative file from which confidential information has been deleted in accordance with 89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Department.
- f) The appeal form shall contain space for the appellant to submit a brief written summary which may include additional information for the Department's consideration as to why the Department should expunge or amend the report in the State Central Register.
- g) The appellant shall return the appeal form to the Department within 45 calendar days of the postmark date that the form was mailed to the appellant.
- h) The Department has 30 calendar days from the date the appeal form is returned to:
 - 1) review the appeal form and the investigative file;
 - 2) contact the appellant, if necessary; and
 - 3) reach a decision on the appellant's request that the record be

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(Source: Amended at 24 Ill. Reg. 7660 effective
JUN-1-2000)

Section 336.100 Rights and Responsibilities in Administrative Hearings Notice
of Internal-Review-Decision

- a) An appellant may bring an Authorized Representative to the hearing. Expenses of a representative or of an appellant's witnesses shall be paid by the appellant.
- b) At the appellant's request, the Department shall arrange for an interpreter at no cost to the appellant if English is not the appellant's primary language or shall provide a sign interpreter or other assistance for communication if the appellant is hearing impaired.
- c) During the administrative hearing, the appellant and the Department have the right to:
 - 1) present and question witnesses;
 - 2) present any information relevant to the issues;
 - 3) question or disprove any information, including an opportunity to question opposing witnesses; and
 - 4) dispose of any disputed issue by mutually agreeing to a resolution any time prior to the conclusion of the administrative hearing.
- d) Before and during the administrative hearing:
 - 1) the appellant may withdraw the appeal; and
 - 2) the Department may expunge the indicated finding or amend the indicated finding to delete any information which identifies the appellant as a perpetrator.
- e) In an administrative hearing concerning child abuse or neglect reports:
 - 1) the Department carries the burden of proof of justifying the refusal to amend, expunge or remove the record; and
 - 2) the Department must prove that a preponderance of the evidence supports the indicated finding, or that the record of the report is being maintained in a manner consistent with the Abuse and Neglected Child Reporting Act and in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).
- f) Hearings shall be recorded on audiotapes. However, any party wishing to have the proceedings recorded by a certified court reporter may do so at the party's own expense.
- g) The Department has an obligation to present evidence which creates a full and complete record, subject to Department rules and statutes on confidentiality.
- h) At any time prior to the commencement of the administrative hearing, the Department representative may add or amend the allegations which support the indicated finding against the appellant. The Department

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representative must notify the appellant and the Administrative Hearings Unit, in writing, of the new or amended allegation and provide the appellant with a concise statement of the facts that form the basis for the new or amended allegation. If the Department representative adds or amends an allegation after the pre-hearing conference, but prior to the commencement of the administrative hearing, the appellant, upon request, shall be entitled to a continuance for a reasonable period of time. This continuance shall not be attributed to the appellant.

a) ~~The child protection internal review administrator shall send the appellant a notice which explains the facts and information considered during the child protection internal review and explain the decision. The notice shall explain that:~~

3) ~~the decision affirms the original decision; amends the indicated report; or reverses the indicated finding;~~

2) ~~if the issue has not been resolved to the appellant's satisfaction an administrative hearing may be requested by contacting the Administrator of the Administrative Hearing Unit and~~

3) ~~the request to appeal the decision of the internal review to an administrative hearing shall be made in writing. This request must be received by the Administrator of the Administrative Hearing Unit within 15 calendar days of the postmark on the notice of the child protection internal review administrative decision;~~

b) ~~if the decision of the child protection internal review reverses the indicated finding, a notice of the decision shall be sent to those listed in Section 336.158(c) and (d) of this Part;~~

c) ~~if the decision of the child protection internal review upholds the indicated finding, and the appellant does not exercise the right to appeal the decision to an administrative hearing within the time frames specified in Section 336.158(a)(2) of this Part, a notice of the decision shall be sent to those listed in Section 336.158(c) and (d) of this Part;~~

(Source: Amended at 24 Ill. Reg. 7660, effective JULY 1, 2000.)

Section 336.110 The Administrative Hearing and Pre-Hearing Conference

a) The Chief Administrative Law Judge shall:

1) in the absence of the agreement of the parties, schedule a pre-hearing conference at least 15 days before the first hearing date and a hearing at a date within 70 calendar days after the date of receipt of the appellant's request for an administrative hearing;

2) ensure that the administrative hearing is scheduled at a time and place reasonably convenient for all parties;

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3) provide a written notice to the parties within 10 calendar days after the receipt of a sufficient request for an administrative hearing, which shall contain the following information:

A) the date and time of the pre-hearing conference;

B) the date, time, place and nature of the hearing;

C) the reasons which may be deemed an abandonment of the request for a hearing, thus constituting a waiver of the right to a hearing;

D) a citation to the provision in the Abused and Neglected Child Reporting Act which grants the Department of Children and Family Services the legal authority and jurisdiction to hold this hearing;

E) a reference to the particular Sections of the statutes and administrative rules involved;

F) the allegations that were indicated;

G) the consequences of the appellant's failure to appear at the pre-hearing conference;

H) the docket number assigned to this case;

I) the name and mailing address of the Administrative Law Judge and all parties, unless the names or addresses are confidential under the Abused and Neglected Child Reporting Act or Department of Children and Family Services Act; and

J) a statement of the parties' rights during the administrative hearing.

b) The Administrative Law Judge shall address the following issues during the pre-hearing conference:

1) Whether parties have exchanged lists of the persons who will provide testimony during the administrative hearing;

2) Whether children under 14 years of age may testify or be involved in the hearing.

A) Either party requesting that a child under 14 years of age be subpoenaed to testify or be involved in the hearing process must demonstrate at the pre-hearing conference that:

1) the child's testimony or involvement is essential to a determination of an issue on appeal; and

2) there is no likelihood of inflicting emotional harm to the particular child involved; and

3) no alternatives, such as stipulations or transcripts from prior court hearings, exist which may be used as a substitute for the child's testimony.

B) If an Administrative Law Judge allows a child to testify, the Administrative Law Judge may set any conditions or restrictions, and may use any techniques allowed in any juvenile, civil or criminal court (including but not limited to in camera interviews, questions submitted in writing, exclusion of parties to the proceedings, including but not limited to the parents, or change of hearing room or location) that will help minimize any emotional impact on

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the child.

- 3) Whether witnesses should be scheduled to testify at specific times.
- 4) Whether the parties have or will have exchanged records or documents prior to the administrative hearing.
- 5) Whether the parties can agree upon any facts as true.
- 6) Motions filed by any party.
 - A) Any motions from the appellant or the Department shall be filed with the Administrative Law Judge at least 10 calendar days before the pre-hearing.
 - B) Copies of the motion shall be served upon the Administrative Law Judge, the Administrative Hearings Unit, and the opposing party at least 10 days before the date set for pre-hearing.
 - C) Any motion that is consistent with administrative practice and procedure and does not infringe upon the Director's authority may be heard.
 - 7) The need for an interpreter for a party whose primary language is not English or who requires communication assistance.
 - 8) The pre-hearing conference shall be convened by telephone unless the Administrative Law Judge and the parties agree that the pre-hearing conference shall be held in person. The Administrative Law Judge shall place all telephone calls. The cost of telephone calls shall be borne by the Department. The Administrative Hearings Unit shall arrange for the appellant to use a telephone at a Department Field Office if the appellant has previously notified the Department that he/she does not have access to a telephone.
 - 9) The Administrative Law Judge may order the parties to attend the pre-hearing conference in person without the consent of all parties. If the Administrative Law Judge orders personal attendance, the Administrative Law Judge shall:
 - 1) give written notice to the parties of the date, time and place of the pre-hearing conference; and
 - 2) hold the pre-hearing conference at a place and time convenient for the parties.
 - 10) The Administrator of the Administrative Hearing Unit may grant a request for a hearing only when:
 - 1) the original written request for appeal was received by the Department within 60 calendar days of the postmark of the notice to the appellant that the report was indicated;
 - 2) the written request for an administrative hearing was received by the Department within 15 calendar days of the postmark of the notice of the child protection review decision; and
 - 3) the issue is within the jurisdiction of the Administrative Hearing Unit as set forth in Sections 336.30 and 336.49 of this Part.
 - 11) The Administrator of the Administrative Hearing Unit may dismiss a request for an administrative hearing for the following reasons only:

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- 1) the child protection internal review has not been exhausted;
- 2) the appeal has been withdrawn in writing;
- 3) the appeal has been abandoned; Abandonment shall be deemed to have occurred if the appellant, the appellant's authorized representative, or an individual legally authorized to act on behalf of the appellant fails to appear at the hearing, and the appellant does not have an adequate cause for failing to appear. Adequate cause for failing to appear at an administrative hearing may include, but is not limited to:
 - A) death in the family of the appellant or in the family of the appellant's representative;
 - B) serious illness of the appellant or the appellant's representative or serious illness in either person's immediate family;
 - C) transportation difficulties that make it impossible for the appellant or representative to appear at the hearing;
 - D) failure of the Department to give notice of the hearing to the appellant or representative at the last known address available to the Department. However, it is the appellant's responsibility to keep the Department updated on any change of address;
 - E) the issue is not within the jurisdiction of the Administrative Hearing Unit as set forth in Sections 336.30 and 336.50 of this Part;
 - 4) the request for the appeal was not received within 60 calendar days of the postmarked date of the notice that the report was indicated;
 - 5) the request for an administrative hearing was not received within 15 calendar days of the postmarked date of the notice of the child protection administrator's decision; or
 - 6) the appellant failed to notify the Administrator of the Administrative Hearing Unit of a change of address, and a notice of the administrative hearing cannot be delivered;
 - 7) the Department shall provide written notice of the decision to grant or deny the request for an administrative hearing within 20 calendar days of receipt of the request for an administrative hearing, if the Administrator of the Administrative Hearing Unit finds that the issue is not appealable under this Part, but can be appropriately heard through another appeal process, in accordance with 89 Ill. Adm. Code 405. Administrative Appeals and Hearings; the Department shall forward the appeal to the proper hearing authority and notify the appellant of this action;
 - 8) the Administrator of the Administrative Hearing Unit shall:
 - 1) schedule the hearing at a date within 30 calendar days of the date the appellant's written notice stating that the child protection internal review did not resolve the issue to the appellant's satisfaction;
 - 2) ensure that the administrative hearing is scheduled at a time and

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place--reasonably--convenient--for--all--parties--if--the--parties cannot--agree--to--a--reasonably--convenient--time--and--place;--the administrator--shall--make--this--determination--and--proceed--to schedule--the--hearing;

- 3) provide--a--written--notice--to--the--appellant--at--least--15--calendar days--before--the--scheduled--hearing;--which--shall--contain--the following--information:

- A) the--date--time--and--location--of--the--hearing;
 B) a--statement--that--the--appellant--or--appellant's representative's--failure--to--appear--at--the--hearing--without adequate--cause--may--be--deemed--an--abandonment--of--the--request thus--constituting--a--waiver--by--the--appellant--of--the--right--to a--hearing;--and
 C) a--statement--of--the--parties'--rights--during--the--appeal process.

(Source: Amended at 24 Ill. Reg. 7660, effective 1/1/00)

Section 336.120 The Administrative Law Judge Rights--and--Responsibilities--in Administrative--Hearings

- a) Appointment of the Administrative Law Judge
 The Chief Administrative Law Judge shall select a trained, impartial Administrative Law Judge from the available pool to conduct the appeal hearing. The Administrative Law Judge shall:
- 1) Be an attorney licensed to practice law in the State of Illinois;
 - 2) possess knowledge and information acquired through training and/or experience relevant to the field of child and family welfare law, including familiarity with Department rules, procedures and functions;
 - 3) not have been involved in the decision to take the action being appealed or have rendered legal advice to the decision-maker on the issue; and
 - 4) not have a personal or professional interest that interferes with exercising objectivity or have any bias against the parties or issues appealed. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.
- b) Functions of the Administrative Law Judge
 The Administrative Law Judge shall have all authority allowed under the Illinois Administrative Procedure Act [5 ILCS 100]. This authority shall include, but is not limited to, the following:
- 1) conduct a fair, impartial and formal hearing in which the strict rules of evidence do not apply;
 - 2) provide for the recording of the hearing;
 - 3) inform participants of their individual rights and their responsibilities;
 - 4) conduct pre-hearing telephone conferences between the parties of

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their authorized representatives to provide information about the procedural aspects of the hearing, narrow the issues and discuss possible stipulations and contested points of law, in order to expedite the actual hearing;

- 5) have the authority to recommend changes in the child abuse and neglect report in the State Central Register;
 - 6) take necessary steps to develop a full and fair record that contains all relevant facts;
 - 7) administer an oath or an affirmation to all witnesses;
 - 8) quash or modify subpoenas for good cause, including but not limited to relevance, scope, materiality and emotional harm or trauma to the subpoenaed witness;
 - 9) allow into evidence all evidence helpful in determining whether an alleged perpetrator abused or neglected a child, including oral and written reports, which the Administrative Law Judge and the Director may rely upon to the extent of its probative value; even though not competent under the civil rules of evidence;
 - 10) allow into evidence previous statements made by the child relating to abuse or neglect as hearsay exceptions;
 - 11) preserve all documents and evidence for the record;
 - 12) rule upon evidentiary issues and contested issues of law at the hearing or take matters under advisement pending issuance of the written opinion and recommendation;
 - 13) order the removal of any person from the hearing room who is creating a disturbance, whether by physical actions, profanity or conduct, which disrupts the hearing;
 - 14) identify the issues, consider all relevant facts and receive or request any additional information necessary to decide the matter in dispute, including but not limited to additional testimony, documents, exhibits, briefs, memoranda of law or post-hearing briefs; and
 - 15) present a written opinion and recommendation to the Director within 15 calendar days after the record of the administrative hearing is completed or transcript is received, whichever is later. This report shall include a recommended decision on whether there is a preponderance of evidence of abuse or neglect based on information in the administrative record. The opinion shall contain findings of fact, conclusions of law and a recommendation.
- e) An appellant may bring a representative, including legal counsel, to the hearing. Expenses of a representative or of an appellant's witnesses shall be paid by the appellant.
- b) An appellant may request the Department employee who had direct involvement in the case or other persons who may have information relevant to the issues in dispute to attend the hearing by asking the administrator of the appeals hearing system to issue appropriate subpoenas. Witness fees and travel expenses for persons other than Department employees are the responsibility of the party requesting

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a) When common issues of fact or law are raised in more than one appeal, the Chief Administrative Law Judge may consolidate the appeals into a single group hearing. Individuals shall be permitted to present their own cases separately. Nothing in this Section shall override confidentiality considerations.

b) The Chief Administrative Law Judge may also combine all appeals and issues involving a single appellant, whether arising under this Part or any other Part, into one hearing.

c) The Chief Administrative Law Judge, if required for the fair and efficient administration of the hearing or to prevent possible prejudice to the appellant, may sever any party or any issue from the consolidated hearing. The party or issue severed from the consolidated hearing shall be heard separately.

d) The Chief Administrative Law Judge shall decide the order in which to hear any appeal or issue which has been severed.

e) The Chief Administrative Law Judge may delegate any decision under this section to any Administrative Law Judge who has been assigned to hear one or more of the appeals.

a) Appointment of the Administrative Law Judge
The Administrator of the Administrative Hearing Unit shall select and the Director shall appoint a trained, impartial administrative law Judge from the available pool to conduct the appeal hearing. The administrative law Judge shall:

- 1) be an attorney licensed to practice law in the State of Illinois;
- 2) possess knowledge and information acquired through training and/or experience relevant to the field of child and family welfare; law including family with Department rules, procedures and functions;
- 3) not have been involved in the decision to take the action being appealed or have rendered legal advice to the decision maker on the issue; and
- 4) not have a personal or professional interest which interferes with exercising objectivity or have any bias against the parties or issues appealed; an adverse ruling in and of itself shall not constitute bias or conflict of interest.

b) Functions of the Administrative Law Judge
The administrative law Judge shall have all authority allowed under the Illinois Administrative Procedure Act (5-1069-1083). This authority shall include, but is not limited to the following:

- 1) conduct a fair, impartial and formal hearing in which the strict rules of evidence do not apply;
- 2) provide for the recording of the hearing;
- 3) inform participants of their individual rights and their responsibilities;
- 4) conduct preliminary and prehearing telephone conferences if necessary between the parties and/or their attorneys to provide information about the procedural aspects of the hearing; narrow the issues and discuss possible stipulations and contested points

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the subpoena;

c) Children under 14 years of age shall not be subpoenaed by either party to testify or be involved in the hearing process, unless the administrative law Judge determines that the child's testimony or involvement is essential to a determination of the appeal. In making this determination the administrative law Judge shall require a showing that there is no likelihood of inflicting emotional harm to the particular child (children) involved.

d) Any motions from the appellant or the Department shall be filed with the administrative law Judge at least 10 calendar days before the hearing. Copies shall be sent to the Department's representative and the appellant.

e) At the appellant's request, the Department shall provide an interpreter at no cost to the appellant if English is not the appellant's primary language or a sign interpreter if the appellant is hearing impaired.

f) Both the appellant and the Department have the right to examine and receive a list of witnesses to be called by either party and to copy documents and other information to be used by either party and to hearing by requesting them at least 10 calendar days before the hearing. The administrative law Judge may prohibit the introduction of the requested evidence if not provided within the time frame.

g) During the administrative hearing, the appellant and the Department have the right to:

- 1) present and question witnesses;
- 2) present any information relevant to the issues;
- 3) question or disprove any information including an opportunity to question opposing witnesses, except as provided for in Section 336.138(b)(7) of this Part; and
- 4) dispose of any disputed issue by mutually agreeing to a resolution any time prior to the conclusion of the administrative hearing;

h) In an administrative hearing concerning child abuse or neglect reports:

- 1) the Department carries the burden of proof of justifying the refusal to amend, expunge or remove the record;
- 2) the Department must prove that a preponderance of the evidence supports the indicated finding according to Department Rules 05-111-Adm. Code 300-Reports of Child Abuse and Neglect; and
- 3) the administrative law Judge has the authority to recommend changes in the child abuse and neglect record.

(Source: Amended at 24 Ill. Reg. **7660** effective 1/1/2000)

Section 336.130 Consolidation and Severing Issues and Parties the Administrative Law Judge

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- of law, in order to expedite the actual hearing;
- 5) take necessary steps to develop a fair and fair record which contains all relevant facts;
- 6) administer an oath or an affirmation to all witnesses;
- 7) quash or modify subpoenas for good cause including but not limited to, relevance, proper materiality and emotional harm or trauma to the subpoenaed witness;
- 8) conduct in-camera reviews with alleged child abuse or neglect victims as is authorized in the Juvenile Court Act of 1987 (705 ILCS 405/2-10); for the purpose of this party in camera review means that the alleged abuse or neglect victim may testify outside the presence of the alleged perpetrator with only the administrative law judge, Department and appellant's representative or attorney and court reporter, if applicable, present; if the appellant is unrepresented, the administrative law judge may continue the hearing to give the appellant the opportunity to obtain representation for the in-camera hearing;
- 9) allow into evidence previous statements made by the child relating to abuse or neglect as hearsay exceptions;
- 10) preserve all documents and evidence for the record;
- 11) rule upon evidentiary issues and contested issues of law at the hearing or take matters under advisement pending issuance of the written opinion and recommendation;
- 12) order the removal of any person from the hearing room who is creating a disturbance whether by physical actions, profanity or otherwise engaging in conduct which disrupts the hearing;
- 13) identify the issues, consider all relevant facts and receive or request any additional information necessary to decide the matter in dispute including but not limited to the submission of briefs, memoranda of law, affidavits or post-hearing briefs; and
- 14) present a written opinion and recommendation to the Director within 30 calendar days after the record of the administrative hearing is completed or transcript is received; this report shall include a recommended decision on whether there is a preponderance of evidence of abuse or neglect based on information considered at the hearing contained in the administrative record; the opinion shall contain a summary of the evidence, findings of fact, conclusions of law and a recommendation;

(Source: Amended at 24 Ill. Reg. 7660 effective 1/1/2000)

Section 336.140 Exchange of Information Combined or Separate Hearings

- a) All requests for information must be in writing and sent to the party from whom the information is sought at least 10 days in advance of the pre-hearing conference. The requestor must send a copy of the request

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- to the Administrative Hearings Unit. A party, without leave of the Administrative Law Judge, may request from any other party:
- 1) a list of witnesses to be called at the hearing; and
- 2) copies of all documents that a party intends to present to the Administrative Law Judge at the hearing. The Department does not need to send a copy of the investigative file to the appellant when the Department has previously sent a copy of the investigative file to the appellant pursuant to Section 336.40(d).
- b) A party may not request this information until the first hearing date has been set. All requests for information shall be served on all other parties or their authorized representative. Copies of all requests for information shall be filed with the Administrative Hearings Unit. All requests for information shall be answered within 10 calendar days after receipt unless, upon good cause shown, leave is sought for additional time to answer.
- c) A party may exercise any rights to access any Department record under 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department).
- d) No discovery, described in Supreme Court Rule 201 et seq., shall be permitted prior to a hearing except by permission of the Administrative Law Judge.
- e) Hearings shall not be delayed to permit the exchange of information unless timeliness and due diligence is shown by the party seeking the information.
- f) If a party fails to answer a request for information, the Administrative Law Judge may enter any just and appropriate order to advance the disposition of the matter, including but not limited to:
- 1) stay any further proceeding until the request for information is answered;
- 2) bar the testimony of any witness not disclosed in the answer to the request for information; or
- 3) prohibit the introduction of, or any testimony concerning, any document or evidence not disclosed in an answer to the request for information.
- g) When a common issue is raised, the Department may respond to requests for hearings from more than one appellant by conducting a single-group hearing. The Department may also combine all issues raised by a single petitioner in one hearing in all group hearings. The appeal system in this Part shall apply. Individuals shall be permitted to present their own cases separately.
- h) The Department, if required for the fair, efficient administration of the hearing or to prevent possible prejudice to the appellant, may sever any party or any issue from the combined hearing. The severed party or issue shall be heard separately.

(Source: Amended at 24 Ill. Reg. 7660 effective 1/1/2000)

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Section 336.150 Continuances ~~Final~~ Administrative Decision

- a) No continuance of a scheduled hearing or pre-hearing conference shall be granted by the Administrative Law Judge to any party except for good cause shown. Good cause includes, but is not limited to:
- 1) sickness or death in the immediate family of the appellant, the Department representative or the authorized representative of the appellant;
 - 2) court or administrative hearing dates scheduled prior to the issuance of the notice of hearing; and
 - 3) the unavailability of a witness.
- b) No request for a continuance shall be granted without notice to all parties, and an opportunity to object on the record. All motions for continuance shall be disposed of by written order.
- c) If a continuance is requested or agreed to by an appellant, the time period between the request for continuance and the continued hearing date shall not be considered a delay on the part of the Department in issuing and implementing its final administrative decision.
- d) If a continuance is requested due to the lack of a certified court reporter or interpreter, the party seeking a continuance must demonstrate due diligence in seeking that service for the hearing date.
- e) Notices of a continued hearing date need not include any restatement of the rights of the parties.
- f) ~~Making the Final Administrative Decision~~
The Director of the Department shall receive the recommended decision from the administrative law judge and shall agree, disagree, or modify the recommended decision based upon a preponderance of evidence standard. The Director's decision is the final administrative decision of the Department. If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who shall be responsible for assuring compliance with the decision.
- g) ~~Notice of the Availability of Judicial Review~~
The Department shall include a notice to appellants as part of the final administrative decision. This notice shall include the name of the person responsible for compliance if applicable and shall advise the appellants that under the provisions of the Administrative Review law (735 ILCS 5/Art. III), they may seek judicial review of the Department's decisions if it is unfavorable to them within the statutory time frame.
- h) ~~Who Receives Copies of the Final Administrative Decision~~
The appellant or authorized representative of the Department child protection investigation unit, the Department's representative, the administrative law judge (except for notices of internal review decisions), the Administrator of the Administrative Hearing Unit, and the State Central Register shall receive a copy of the final administrative decision.

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- d) ~~Notifying Others of the Decision~~
The following persons shall receive a notice of the final administrative decision:
- A) the Illinois Department of Professional Regulations and District Regional and Private School Superintendents and the State Board of Education when they have been notified that an appeal has been filed in accordance with 89-III-Adm--Code--306; Reports of Child Abuse and Neglect--Section 306.1487
 - B) administrators of child care facilities and Department licensing staff when the appellant is an employee of a child care facility; and
 - C) supervisors or administrators notified in accordance with 89-III-Adm--Code--306.140(1);
- 2) ~~the following persons shall receive a notice of the final administrative decision if the decision amends, expunges or removes any record made under Act 1991-1325 (1985-5/7-17):~~
Neglected Child Reporting Act 1991-1325 (1985-5/7-17):
- A) parents or personal guardians of the child victim(s) if they are not the same as the appellant;
 - B) the mandated reporter who originally made the report of child abuse or neglect; and
 - C) the juvenile court judge and guardian ad litem (when a State ward is involved);

(Source: Amended at 24 Ill. Reg. 76 60, effective JUN 1 1990)

Section 336.160 Attendance of Witnesses Records of Administrative Hearings

- a) An appellant may require any child protective investigator who was part of the investigation being appealed to attend the hearing by writing to the Department representative no earlier than receipt of the notice of hearing and no later than 14 days before the hearing and requesting that the investigator, who must be identified by name, attend the hearing.
- b) The appellant may subpoena any other witness, no earlier than receipt of the notice of hearing and no later than 14 days before the hearing, by requesting that the Chief Administrative Law Judge issue a subpoena to compel the attendance of the witness. Witness fees and travel expenses for persons other than Department employees are the responsibility of the party requesting the subpoena.
- ~~The permanent record of the administrative hearing and the final administrative decision shall be maintained by the Administrator of the Administrative Hearing Unit. All hearing decisions shall be available for public inspection during regular business hours. However, confidential information shall be deleted in conformance with 89-III-Adm--Code--431. Confidentiality of Personal Information of Persons Served by the Department and state and federal laws and~~

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rules-and-regulations-on-confidentiality:

(Source: Amended at 24 Ill. Reg. 76 60 -- effective JUN 1 2000)

Section 336.170 Testimony by Telephone Severability of this Part

For good cause shown, the Administrative Law Judge may, on the judge's own motion or the motion of any party, allow a witness to testify at the administrative hearing by telephone.

~~if any Court of competent jurisdiction finds that any Section clause phrase or provision of this Part is unconstitutional or invalid for any reason whatsoever this finding shall not affect the validity of the remaining portions of this Part.~~

(Source: Amended at 24 Ill. Reg. 76 60 --, effective JUN 1 2000)

Section 336.180 Interpreters

A party whose primary language is not English, or who requires communication assistance, may request an interpreter. The Department shall provide an interpreter at no cost to the party. Unless the interpreter has been requested at least 14 calendar days before the prehearing conference or hearing, the time between the request for the interpreter and any continued hearing date occasioned by that request shall not be construed as delay on the part of the Department in issuing and implementing its decision.

(Source: Added JUN 1 2000 at 24 Ill. Reg. 76 60 --, effective JUN 1 2000)

Section 336.190 Grounds for Dismissal

a) The Chief Administrative Law Judge of the Administrative Law Judge shall dismiss the appeal on his or her own motion or on the motion of any party when:

- 1) the Department has already made a final administrative decision on the issue as a result of a previous appeal;
- 2) the issue is not regarding a child abuse or neglect report as defined in 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect);
- 3) a court has made a judicial decision on the issue being appealed or a judicial finding of child abuse or neglect has been made on the issue and the appellant is requesting that the record of the report of child abuse or neglect be expunged, amended or removed;
- 4) the request for the appeal was not received within 60 calendar days after the postmarked date of the notice that the report was indicated;

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5) the appeal has been withdrawn in writing;

6) the appeal has been abandoned pursuant to Section 336.200; or
 7) the issue is not within the jurisdiction of the Administrative Hearings Unit as set forth in Section 336.60 of this Part.

b) If the Chief Administrative Law Judge finds that the issue is not appealable under this Part but can be appropriately heard through another appeal process, in accordance with 89 Ill. Adm. Code 435 (Administrative Appeals and Hearings), the Department shall forward the appeal to the proper hearing authority and notify the appellant of this action.

(Source: Added at 24 Ill. Reg. 76 60 --, effective JUN 1 2000)

Section 336.200 Abandonment of Appeal/Default

a) The Administrative Hearings Unit will declare that the Department or appellant has abandoned the appeal when:

- 1) the Department representative, the appellant or the appellant's authorized representative, without good cause, fails to appear at a hearing or pre-hearing conference without having received a continuance; or
- 2) the appellant failed to notify the Chief Administrative Law Judge of a change of address and a notice of the administrative hearing, sent to the appellant's last known address, was returned as "undeliverable," "unclaimed," "refused," "moved," or "no forwarding address."

b) Good cause for failure to appear includes, but is not limited to:

- 1) death or serious illness in the immediate family of the appellant or the appellant's representative;

2) failure of the Administrative Hearings Unit to give notice of the proceeding to the appellant or the appellant's representative at the last known address available to the Administrative Hearings Unit; or

3) failure of the Administrative Hearings Unit to give notice by fax, inter-office mail or electronic mail, to the Department representative or the present supervisor of the child protection team with primary case responsibility for the investigation.

c) When the Department fails to appear at a pre-hearing conference or hearing, without good cause, and without having received a continuance, the Administrative Law Judge may issue orders as are appropriate, including, but not limited to, a finding of default for failure to appear.

d) Any party seeking to vacate an order of abandonment shall file a motion within 14 days after notice of the entry of an order of abandonment or default, showing good cause why the party failed to appear or participate.

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district, regional and private school superintendents and the State Board of Education when they have been notified that an appeal has been filed in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect), Section 300.140;

B) administrators of child care facilities and Department licensing staff when the appellant is an employee of a child care facility; and

C) supervisors or administrators notified in accordance with 89 Ill. Adm. Code 300.100(1).

2) The following persons shall receive a notice of the final administrative decision if the decision amends, expunges or removes any record made under Section 7.17 of the Abused and Neglected Child Reporting Act [325 ICS 5/7.17]:

A) parents or personal guardians of the child victims if they are not the same as the appellant;

B) the mandated reporter who originally made the report of child abuse or neglect;

C) the juvenile court judge and guardian ad litem (when a State ward is involved).

(Source: Added at 24 Ill. Reg. 7660 - 7 effective JUN 1 2000)

Section 336.230 Severability of This Part

If any court of competent jurisdiction finds that any Section, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Added at 24 Ill. Reg. 7660 - 7 effective JUN 1 2000)

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(Source: Added at 24 Ill. Reg. 7660 - 7 effective JUN 1 2000)

Section 336.210 Record of an Administrative Hearing

The record of the administrative hearing and the final administrative decision shall be maintained by the Chief Administrative Law Judge. All final administrative decisions shall be available to any party for public inspection during regular business hours. However, confidential information shall be deleted in accordance with 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department).

(Source: Added at 24 Ill. Reg. 7660 - 7 effective JUN 1 2000)

Section 336.220 Final Administrative Decision

a) Making the Final Administrative Decision

The Director of the Department shall receive the Administrative Law Judge's recommended decision 90 days after receipt of a timely and sufficient request for an appeal, unless extended by action of the appellant. Within the same 90 day period, the Director shall receive and accept, reject, amend or return to the Administrative Hearings Unit for further proceedings the Administrative Law Judge's recommendation. The 90 day time period may be extended by the actions of the appellant. The Director's decision is the final administrative decision of the Department. If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who shall be responsible for insuring compliance with the decision.

b) Notice of the Availability of Judicial Review

The Department shall include a notice to appellants as part of the final administrative decision. This notice shall include the name of the person responsible for compliance, if applicable, and shall advise the appellants that, under the provisions of the Administrative Review Law [735 ICS 5/Art. III], they may seek judicial review of the Department's decision if it is unfavorable to them, within the statutory time frame.

c) Who Receives Copies of the Final Administrative Decision

The appellant or authorized representative, the Department child protective investigation unit, the Department's representative, the Department's Office of Legal Services, the Administrative Law Judge, the Chief Administrative Law Judge, and the State Central Register shall receive a copy of the final administrative decision.

d) Notifying Others of the Decision

1) The following persons shall receive a notice of the final administrative decision from the State Central Register:

A) the Illinois Department of Professional Regulation,

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- 1) Heading of the Part: Rate Setting
- 2) Code Citation: 89 III. Adm. Code 356
- 3) Section Numbers:

356.30	Amended	Proposed Actions
356.40	Amended	
356.50	Amended	
356.70	Amended	
356.80	New	
- 4) Statutory Authority: Children and Family Services Act [20 ILCS 505/51; implementing Section 375 ILCS 5/7.16]
- 5) Effective Date of Amendments: June 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 23 Ill Reg. 13438 - 11/12/99
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Other than editing and formatting corrections, no differences are present.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Adopted Amendments: The Department is amending Part 356 as follows:

In Section 356.40, Cost Information Requirements of Providers, and Section 356.50, Determining Rate Reimbursement Levels, special provisions for calculating individual rate reimbursement for private agency care rates will be calculated as outlined in current rules except for programs that would receive reductions. These programs will be held harmless at 1999

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levels if both the 1998 cost reports and a program budget for Fiscal Year 2000 budget are submitted within 30 days of notice to the program.

If a program files a cost report but not a budget, the rate will not be held harmless and will be adjusted downwards, but in no instance shall the rate be less than 80% of the program's State Fiscal Year 1999 rate.

Day care providers are exempt from all audit and cost reporting requirements unless they are involved in the cost based rate negotiations.

In Section 356.30, Types of Reimbursement Made by the Department, and Section 356.50, Determining Rate Reimbursement Levels, changes were made in the language associated with setting day care rates to indicate that the Department now pays the rates set by the Department of Human Services.

In Section 356.70, Notice and Appeal of Provider Rates, the appeal process has been rewritten clarifying what may be appealed.

Section 356.80, Reimbursement for Program Enhancements, was added to establish a process for changing rates due to program enhancements.

16) Information and questions regarding these adopted amendments shall be directed to:

Sue Howell
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715
E-Mail: cfpolicy@idocs.state.il.us

The full text of the adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER C: FISCAL ADMINISTRATION

PART 356
 RATE SETTING

Section 356

- 356.1 Purpose (Renumbered)
- 356.2 Definitions (Renumbered)
- 356.3 Types of Reimbursement Made by the Department (Renumbered)
- 356.4 Cost Information Requirements of Providers (Renumbered)
- 356.5 Determining Rate Reimbursement Levels (Renumbered)
- 356.6 Disallowable Costs and Reduced Reimbursement (Renumbered)
- 356.7 Notice and Appeal of Provider Rates (Renumbered)
- 356.10 Purpose
- 356.20 Definitions
- 356.30 Types of Reimbursement Made by the Department
- 356.40 Cost Information Requirements of Providers
- 356.50 Determining Rate Reimbursement Levels
- 356.60 Disallowable Costs and Reduced Reimbursement
- 356.70 Notice and Appeal of Provider Rates
- 356.80 Reimbursement for Program Enhancements

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505].

SOURCE: Adopted at 5 Ill. Reg. 324, effective December 29, 1981; amended at 6 Ill. Reg. 11651, effective September 30, 1982; amended at 10 Ill. Reg. 11432, effective July 1, 1986; amended at 11 Ill. Reg. 675, effective January 2, 1987; amended at 11 Ill. Reg. 7255, effective April 15, 1987; amended at 18 Ill. Reg. 11512, effective July 8, 1994; emergency amendment at 20 Ill. Reg. 9265, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14390, effective November 1, 1996; emergency amendment at 23 Ill. Reg. 8461, effective July 6, 1999, for a maximum of 150 days; emergency expired on December 2, 1999; amended at 24 Ill. Reg. ~~11411~~ 7692, effective ~~11/1/2000~~ 7/1/2000.

Section 356.30 Types of Reimbursement Made by the Department

- a) The Department will reimburse providers through payments made according to standard reimbursement levels and through reimbursement levels which are specifically negotiated through contract. The Department shall notify the provider in writing of the reimbursement rate.
- b) Reimbursement according to rate reimbursement levels.
 - 1) The Department shall adopt the rates promulgated by another state agency where that agency is the primary purchaser of service.

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This shall include hospitals, nursing homes, community living facilities, day care providers and individual medical care providers.

- 2) The Department shall calculate standard rates in accordance with Section 5a of the Children and Family Services Act [20 ILCS 505/5a]. This calculation will consider the minimum wage law, U.S. Department of Agriculture cost statistics, the age of the children to be served, the nature of the children's service needs, the experience and background of the individual provider, and the type of service provided. Reimbursement rates for these providers are set by the Department utilizing market surveys and independent cost analyses in order to arrive at a reasonable cost for specific units of service unless otherwise specified in this Part. Services for which the Department shall calculate standard rates include, but are not limited to, agency foster care and agency adoption services, ~~and day-care~~.
- 3) The Department shall calculate individual program rates for child care institutions, group homes, independent living arrangements and maternity centers subject to the provisions of Section 356.50.
- c) Reimbursement according to negotiated contracts. Agencies that ~~who~~ provide services which reflect a significant variance in the type of service and type of client are reimbursed according to reasonable cost standards as established by the Department's approved rate methodology. See Section 356.50.

(Source: Amended at 24 Ill. Reg. ~~7692~~ 7692, effective ~~11/1/2000~~ 7/1/2000.)

Section 356.40 Cost Information Requirements of Providers

- a) Cost Reporting - Except as otherwise provided by this subsection, all providers shall annually file ~~the Department shall require the annual filing of~~ a certified cost report on a schedule provided by the Department. The time period covered by the cost report shall correspond to the Department's fiscal year unless otherwise approved by the Department. The Department may designate cost reports filed by the provider with other state agencies as suitable for fulfilling this requirement when those reports provide all of the information needed by the Department in a clear and usable way. Any provider that completes an audit in accordance with OMB Circular A-133 shall annually submit a copy of that audit to the Department in addition to the DCFS cost report required by this subsection. Day care providers are exempt from all audit and cost reporting requirements unless they are involved in the cost based rate negotiations authorized under Section 30(a) of this Part. Providers involved in those rate negotiations shall file the cost report on the Department schedule, as described in this subsection, and, if required to file an OMB Circular

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a-133 audit, a copy of that audit. Cost reports shall be available to the general public upon written request. The Department will immediately notify a provider of any requests for its cost reports. No cost report will be released sooner than two weeks from the date the provider was notified of the request. The reports will be provided at cost.

b) Accrual Accounting - The provider shall use the accrual basis of accounting when reporting financial data.

c) Audits - Providers shall cooperate in any audits undertaken to verify the truth, accuracy, and completeness of reported costs, in accordance with 89 Ill. Adm. Code 434, Audits, Reviews, and Investigations.

d) Total Costs - Providers must report all costs of service and must disclose their total costs. Supporting documentation will be required to verify the costs allocated to each of the various services the Department purchases and to the sum of other services the agency provides. The reported total cost must be certified by a licensed public accountant, an independent certified auditor,

e) historical costs - Historical costs will be established when the provider has operated one or more years and independent auditors concur with the reported total costs. New providers who have not established their historical costs shall be permitted to submit budgeted information for the first fiscal reporting period. However, no rate increases shall be authorized for the next fiscal year until audited historical costs are available. When the rate increase is authorized based on historical costs, it will coincide with the effective date of the contract if the audit is received in accordance with contractual requirements.

f) Other Information Required - As a condition of contract issuance or renewal, the Department will request and shall receive promptly any other financial information, reasonably related to rate determination, needed to determine the provider's costs. For determining State Fiscal Year 2000 rates, this may include submission of program budgets. (See Section 356.50(f).)

(Source: Amended JUN 1 2000 at 24 Ill. Reg. 7692, effective _____)

Section 356.50 Determining Rate Reimbursement Levels

This Section applies to those situations where the Department promulgates standard or individual rates identified in Section 356.30(b)(2) and (3).

- a) Forms - Financial reporting forms shall be used in establishing rates of reimbursement, regardless of the type of service provided.
- b) For-Profit Agencies - Contracts with for-profit agencies must clearly identify any profit factor which must directly correspond to units of services provided. Profit will be categorized as an administrative cost and will be limited to nine percent of the total contract amount. Profit will also be included in calculating the overall administrative

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cost standard.

- c) Reasonable Cost Standards - Reasonable cost standards shall be applied to certain categories of costs except that program and transportation costs may be exempted if warranted by the special needs of the clientele. The reasonable cost standards establish reimbursement ceilings for categories of costs. The standards are derived from the median costs of all agencies providing similar services. Fringe benefits above 25 percent of salaries shall not be reimbursed by the Department. Administrative costs may not exceed 20 percent of the costs for other services. Reimbursement may exceed the reasonable cost standards if a higher rate is negotiated as a result of a rate appeal or rate enhancement that clearly demonstrates that costs in excess of the standards are the result of a necessary level of resources purchased in a prudent manner. However, administrative costs may not exceed 20 percent of the costs of other services.
- d) Revenues to be Offset - Revenues to be offset shall include grants, other non-purchase-of-service revenue from other governmental agencies, revenues from the school lunch program, and revenues from local education agencies. All revenues to be offset shall be reported by the provider. These revenues will be considered as part of the resources available to the provider in determining reasonable costs. The Department will not reimburse a provider for the proportion of services or administrative charges that have been paid, wholly, or in part, by such revenues.

e) Units of Service and Provider Capacity - Reimbursement rates shall be determined on the basis of actual units of service provided or the median utilization for all agencies providing similar services, whichever is greater. However, significant deviations from the utilization level may be used in rate-setting if unusual circumstances beyond the control of the provider directly caused a significant change in occupancy rates.

- f) Special Provisions for Calculating Individual Rate Reimbursement including Child Care Institutions, Group Homes, Maternity Centers, and Shelter Programs - For State Fiscal Year 2000/1997 (from July 1, 1999 through June 30, 2000 1997), the rates for all child care institutions, group homes, maternity centers, independent living, specialized foster care, treatment foster care and shelter programs will be calculated as outlined in this Section except that programs that would receive reductions will be held harmless at State Fiscal Year 1999 levels if both Fiscal Year 1999 cost reports and a program budget for State Fiscal Year 2000 are submitted within 30 days after notice to the program, contracting with the Department of Children and Family Services--Will--receive--a--three--per--cent--cost--of--living adjustment--based--upon--the--payment--rate--which--was--being--received--as--of--June--30--1996; if a program fails to submit a cost report within the 30-day period, the rate will be adjusted to 80% of the applicable State Fiscal Year 1999 rate. If a program files a cost report but not a budget, the rate will not be held harmless and will be adjusted

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downward based on the rate calculation methodology, but in no instance shall the rate be less than 80% of the program's State Fiscal Year 1999 rate. This rate adjustment for State Fiscal Year 2000/1997 applies regardless of the other provisions of this Part.

- 1) The Department will conduct a joint rate calculation with the Illinois Department of Human Services Mental-Health-and-Developmental-Disabilities.
- 2) Reimbursement rates shall be determined on the basis of actual units of service provided, or the median utilization level for all similar providers, whichever is greater. The maximum utilization level that will be used to determine reimbursement rates shall be 98 percent of licensed or approved program capacity. For the purpose of establishing the median utilization level, Residential programs will be grouped into two categories:
 - A) Child Care Institutions and Group Homes; and
 - B) Maternity Homes and approved Shelter programs.
- 3) The reasonable cost standards for support and ownership costs shall be 120 percent of the median costs of all similar providers. Providers shall be deemed dissimilar, and subject to an adjusted cost standard if one or more of the following conditions has occurred on or after July 1, 1983:
 - A) the Provider has built an entirely new building used directly by clients of the program,
 - B) the provider has renovated a building used directly by program clients and the annual depreciation and/or interest costs are \$20,000 or more, or
 - C) the provider has entered a first-time lease for a building used directly by program clients.
- 4) These costs shall be demonstrated by an annual audit cost report and accompanying notes as prescribed by 89 Ill. Adm. Code 434 (Audits, Reviews, and Investigations). The reasonable cost standards shall include a geographic differential factor to reflect the differences in costs due to geographic location when such cost differentials exist. The existence of such differentials is determined by measurement of the audited costs reported by providers and the application of generally accepted statistical tests to these costs. Any geographic differential factor which results from these tests is included in the Department's rate notices sent to providers.
- 5) Historical costs, except depreciation, interest and amortization of allowable pre-operating expenses shall be increased by inflation adjustment factor to reflect the increases in costs caused by general inflation. The maximum increase in a facility's reimbursement rate shall be 150 percent of the inflation adjustment factor for the most current year. The percentage limitation shall be applied to the most recent rate unless that rate declined due to a combination of both reduced utilization and reduced costs. In such case, the next most

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recent rate shall be used to determine the allowable maximum increase. This limitation will not be applied to cost increases mandated by regulatory agencies or program changes approved by the Department Director.

- 6) New start programs not having historical costs shall have a rate set via a process which begins with completion of a projected historical cost budget in the same format used to set historical cost rates. The Regional Office developing the contract shall negotiate costs based on a comparison of the budget with levels of staffing generally needed for similar programs; with prevailing wage rates; and with levels of supply, ownership, support and other costs common to similar programs. The Department Office-of-Contracts-and-Grants shall review the results and shall engage in further negotiations when an examination of submitted data determines an anomaly or disparity in the data in comparison to other data submitted by other providers. A new start rate shall then be set using the reasonable cost standards applying to the particular program under the terms of this Part with one exception: To allow for the phase-in placement of clients, the divisor applied to costs will be the greater of:
 - A) the number five percentage points lower than the median utilization level applying to ongoing programs of the same type; or
 - B) the projected utilization agreed to by the Department and the provider.
- 9) The Department will adopt Day Care Rates developed by the Illinois Department of Human Services for similar Day Care services.
 - 1) Reimbursement-rates-will-be-calculated-from-the-costs-and-utilization-information-presented-in-the-independent-audits-Only reported-costs-of-facilities-under-contract-with-the-Department will-be-considered-for-calculating-reimbursement-rates-
 - 2) The-Department-will-calculate-standard-reimbursement-rates-for all-similar-facilities---The-facilities-will-be-separated-into geographic-groupings-that-reflect-the-differences-in-costs-due-to geographic-location---A-standard-reimbursement-rate-will-be calculated-for-each-geographic-grouping-
 - 3) A-portion-of-the-fair-market-value-of-donated-goods-and-services-will-be-considered-for-the-calculating-of-standard-reimbursement rates---Day-care-centers-are-herby-excluded-from-the-prohibition of-inclusion-of-the-costs-of-donated-goods-and-services-as-stated in-Section-356/68-B-allowable-Costs-and-Reduced-Reimbursement-
 - 4) The-divisor-applied-to-costs-in-order-to-calculate-rates-shall-be the-greater-of-95-percent-of-the-licensed-or-approved-program capacity-or-actual-units-of-service-
 - 5) The-Department-may-make-adjustments-to-reported-wage-and-salary levels-if-it-determines-that-they-are-insufficient-to-attract capable-caregivers-in-sufficient-numbers-

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- h) Special-Provisions-for-Calculation-of-Standard-Rate-Reimbursement-for Non-Center-Based-Day-Care-Programs
- 1) Reimbursement-rates-will-be-calculated-from-the-results-of separate-market-surveys-completed-on-licensed-non-center-based day-care-programs-and-on-those-not-required-to-be-licensed-for licensed-non-center-based-programs-the-market-survey-will-be conducted-using-a-statistically-valid-random-Statewide-sample-of all-such-programs-For-non-center-based-programs-not-required-to be-licensed-the-statistically-valid-random-sample-will-include an-equal-number-of-providers-who-accept-State-funds-and-those listed-with-the-Statewide-Child-Care-Resource-and-Referral Network-but-not-funded-by-the-State
- 2) The-Department-will-estimate-separate-reimbursement-rates-for licensed-non-center-based-day-care-and-for-non-center-based-day care-programs-not-required-to-be-licensed-the-non-center-based day-care-programs-will-be-separated-into-geographic-groupings that-reflect-the-differences-in-costs-due-to-geographic-location Standard-reimbursement-rates-will-be-calculated-for-each geographic-grouping-for-licensed-non-center-based-programs-and for-those-not-required-to-be-licensed

(Source: Amended at 24 Ill. Reg. _____, effective
JUN - 1 2000)

Section 356.70 Notice and Appeal of Provider Rates

- a) Provider Eligibility - Purchase of service providers for whom the Department calculates individual rates (refer to Section 356.30(b)(3)) or negotiates rates (refer to Section 356.30(c)) are eligible to appeal their rates, subject to the provisions of this Section.
- b) Notice in Filing of Appeal - Appeals of the rate reimbursement determination shall be submitted in writing by the provider to the central office manager responsible for the administration of reimbursement rates **Director-of-the-Department** within 60 days after the written notice by the Department disclosing the provider reimbursement rate. Notice shall be effective upon the date of mailing to the provider's address. Appeals submitted more than 60 days after the notice will not be considered by the Department, **except-as-defined-in-Section-356-70(d)(1)**
- c) Principles of Appeals Process - The appeals process is designed to allow a provider to petition for an increase in its reimbursable cost rate in response to mechanical or clerical errors and/or circumstances which are beyond the control of the provider, which have an impact upon current operating costs, and which were not included in the Department's determination of the current allowable costs. In order to hear an appeal, the provider must have a current signed contract. Basis for increase in Reimbursable Cost - Appeals submitted for the following reasons must be received by the Department within 60 days
- 1) Appeals-submitted-due-to-mechanical-or-clerical-errors committed-by-the-provider-on-requested-cost-reports-and-used by-the-Department-in-the-calculation-of-reimbursable-cost must-be-received-by-the-Department-within-60-days-after-reimbursable-rate-notices-Any-changes-in-rate-either positive-or-negative-as-a-result-of-the-appeal-process will-be-reflected-in-a-contract-amendment-The-effective date-of-the-new-rate-will-be-the-effective-date-of-the amendment-or-the-date-the-amendment-is-signed-by-the Director-which-ever-occurs-first
- 2) Appeals-submitted-due-to-mechanical-or-clerical-errors committed-by-the-provider-on-requested-cost-reports-and-used by-the-Department-in-the-calculation-of-reimbursable-cost must-be-received-by-the-Department-within-60-days-after-reimbursable-rate-notices-Any-changes-in-rate-either positive-or-negative-as-a-result-of-the-appeal-process will-be-reflected-in-a-contract-amendment-The-effective date-of-the-new-rate-will-be-the-effective-date-of-the amendment-or-the-date-the-amendment-is-signed-by-the Director-which-ever-occurs-first
- 3) The-Agency-was-able-to-document-and-justify-that-the-Department's treatment-of-its-historical-cost-data-resulted-in-an-inequitable application-of-the-rate-setting-process
- 4) Mechanical-or-clerical-errors-were-committed-by-the-provider-on-requested-cost-reports-and-used-by-the-Department-in-the-calculation-of-reimbursable-costs
- 5) Appeals-submitted-for-the-reasons-listed-below-in-relation to-historical-cost-data-must-be-received-by-the-Department within-60-days-after-reimbursable-rate-notices-Any-change in-rate-either-positive-or-negative-as-a-result-of-the appeal-process-will-be-reflected-in-a-contract-amendment-with-the effective-date-of-the-contract
- 6) Mechanical-or-clerical-errors-were-committed-by-the-provider
- 7) There-has-been-a-substantial-decrease-in-external government-grants-which-the-Department-determines sections-limits-the-ability-of-the-agency-to-deliver required-services-to-Department-clients-to-the-extent that-such-revenues-were-considered-available-when-the Department-approved-the-reimbursable-cost-of-the-provider
- 8) The-agency-was-able-to-document-and-justify-that-the Department's-treatment-of-its-historical-cost-data resulted-in-an-inequitable-application-of-the-rate-setting-process
- 9) Appeals-submitted-due-to-mechanical-or-clerical-errors committed-by-the-provider-on-requested-cost-reports-and-used by-the-Department-in-the-calculation-of-reimbursable-cost must-be-received-by-the-Department-within-60-days-after-reimbursable-rate-notices-Any-changes-in-rate-either positive-or-negative-as-a-result-of-the-appeal-process will-be-reflected-in-a-contract-amendment-The-effective date-of-the-new-rate-will-be-the-effective-date-of-the amendment-or-the-date-the-amendment-is-signed-by-the Director-which-ever-occurs-first

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- 2) ~~Changes in Current or Anticipated Cost-Status~~
 Appeals submitted for the reasons cited below in relation to current cost impacts must be received by the Department no later than the end of the first quarter of the current State fiscal year. Any change in rates, either positive or negative, as a result of the appeal process, will be reflected in a contract amendment. The effective date of the new rate will be the effective date of the amendment or the date the amendment is signed by the Director of the Department, whichever occurs first.
- A) The Department and the provider have reached a mutual agreement that substantive changes and/or enhancement of the current program are necessary and/or desirable.
- B) The Department and the provider have reached a mutual agreement that it is necessary and/or desirable to adjust the licensed capacity of a facility or program.
- C) The Department required a substantial program change as a result of mandated licensing requirements.
- B) State and Federal regulatory requirements have generated a substantial increase in reimbursable cost during the current contract year.
- B) The provider has recently experienced or expects to experience a substantial decrease in external Government grants which the Department determines seriously limits the ability of the agency to deliver required services to Department clients to the extent that such revenues were considered available when the Department approved the reimbursable cost of the provider.
- e) Effective Date of a Redetermined Rate: Any redetermination of reimbursable cost rate through appeal must result in a contract amendment. The effective date of any re-established or redetermined rate will reflect the stipulations of the category of appeal as noted in Section 3567f(0)(1) and (2):
- e) Procedures for Filing Appeals - An appeal for an increase in the reimbursable cost shall be submitted in writing to the central office manager responsible for the administration of reimbursement rates. The appeal shall be submitted to the Director of the Department, Administrator of the Office of Contracts and Grants with a copy to the Lead Regional Administrator.
- 1) An appeal shall include but not be limited to:
- A) Identification of the current approved reimbursable rate cost and the reimbursable costs sought pursuant to the appeal;
- B) A clear, concise statement of the reasons for the appeal;
- C) A detailed statement of financial, statistical and related information in support of the appeal which indicates the relationship between the additional cost submitted and the change of circumstances or other reasons for the higher cost;
- D) A citation to any statutory or regulatory or contractual

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- request pertinent to the appeal; and
- E) certification under penalty of perjury by either the chief executive officer or the financial officer of the provider that the application and all the information reports, schedules, budgets, books and records submitted are true, correct and accurate.
- 2) The Department will not accept or process an appeal which does not meet the requirements of this Section. In addition, no appeal can be acted upon unless the provider has filed an acceptable certified audit for the previous fiscal year and has a current signed contract.
- 3) Any documentation submitted in support of this appeal which is subsequent to filing of the appeal, shall contain the same certification described in subsection (e)(1)(E) above.
- g) Review by the Central Office Manager Responsible for the Administration of Reimbursement Rates Administrator-Responsible for Contracts and Grants
- 1) When a provider has filed an appeal, the central office manager responsible for the administration of reimbursement rates administrator responsible for contracts and grants shall acknowledge in writing that an appeal has been received.
- 2) The central office manager responsible for the administration of reimbursement rates administrator responsible for contracts and grants will review each appeal for adequacy of documentation and appropriateness of the request. If required for the analysis, the Lead Regional Administrator shall provide his/her comments and recommendations regarding the appeal within 15 days after receipt.
- 3) The central office manager responsible for the administration of reimbursement rates administrator responsible for contracts and grants may request a meeting at a reasonably convenient place with representatives of the provider prior to submission of recommendations to the Director of the Department. The purpose of such meetings shall include:
- A) clarification, formulation, and simplification of issues;
- B) resolution of matters in controversy;
- C) exchange of documents and information;
- D) stipulations of facts so as to avoid unnecessary presentation before the Director of the Department;
- E) identification of all documents which the provider or staff intend to present to the Director; and
- F) such other matters as may aid in the simplification of the evidence and disposition of the issue.
- 4) Within 30 days after receipt by the central office manager responsible for the administration of reimbursement rates administrator responsible for contracts and grants, an appeal which has complied with the principles and requirements of this Section, or within 15 days after the scheduled meeting between

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the central office manager responsible for the administration of reimbursement rates ~~administrator-responsible-for-contracts-and-grants~~ and the provider, whichever is later, the central office manager responsible for the administration of reimbursement rates ~~administrator-responsible-for-contracts-and-grants~~ will make a recommendation to the Director or his designee on this matter.

g) Final Decision of the Director. The decision of the Director of the Department shall constitute final action on the appeal. Decision by the Director shall be made within 60 days after receipt of the appeal by the central office manager responsible for the administration of reimbursement rates, ~~administrator-responsible-for-contracts-and-grants~~ except that, if the central office manager responsible for the administration of reimbursement rates ~~administrator-responsible-for-contracts-and-grants~~ requests additional information, the period shall be extended by the time taken in providing that information.

(Source: Amended at 24 Ill. Reg. 7692, effective JUN - 1 2000)

Section 356.80 Reimbursement for Program Enhancements

a) Any change in rates due to program enhancements submitted for the reasons cited below in relation to current cost impacts, either positive or negative, as a result of the review process, will be reflected in a contract amendment. Under no circumstances will the Department be responsible for enhancements that were implemented outside of the following process.

1) The Department and the provider have reached mutual agreement that substantive changes and/or enhancement of the current program are necessary and/or desirable and have been approved by the Director;

2) It is necessary and/or desirable to adjust the licensed capacity of a facility or program;

3) The Department required substantial program changes as a result of mandated licensing requirements; and

4) State and federal regulatory requirements have generated a substantial increase in reimbursable cost during the current contract year.

b) Procedures for Requesting a Program Enhancement

A request shall be submitted in writing to the Administrator of the Region where the program is located with a copy to the central office manager responsible for the administration of reimbursement rates. If needed, the central office manager responsible for the administration of reimbursement rates shall supply, upon request, the name and mailing address of the lead Regional Administrator. The request shall include, but not be limited to:

1) The current approved reimbursable costs and the reimbursable costs sought pursuant to the request;

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2) A clear, concise statement of the reasons for the request;

3) A detailed statement of financial, statistical and related information in support of the request that clearly indicates current outcomes and the relationship between the additional costs submitted and the change of circumstances or other reasons for the higher cost;

4) A citation to any statutory, regulatory, or contractual requirement pertinent to the appeal;

5) Crucial elements that will be outlined and analyzed for every program enhancement include but are not limited to:

A) Summary document or letter explaining the reason for the request for a new rate;

B) Certified audit report for most recent provider prior fiscal year;

C) Consolidated Financial Reports for most recent provider prior fiscal year (reporting all programs);

D) The new rate being sought;

E) Data identifying the individual cost of each item for which additional reimbursement is being sought;

F) Detailed explanation of why the petitioned costs cannot be funded within the current rate;

G) Beginning date the costs are planned to occur;

H) Quantifiable programmatic outcomes occurring as a result of a rate change;

I) Reporting activities that will be implemented to ensure program outcomes occur at committed levels;

J) Quantification of past program performances for current and preceding 2 fiscal years, including, where applicable:

i) Number of children successfully completing program treatment;

ii) Rate of children leaving without completion of treatment;

iii) Number of incidents of psychiatric hospitalizations;

iv) Number of runaways;

v) Number of incidences requiring police intervention; and

vi) Number of unusual incident reports;

K) Organization charts reflecting pre-request and post-request funds for additional staffing;

6) Certification under penalty of perjury by either the chief executive officer or the financial officer of the provider that the application and all the information reports, schedules, budgets, books and records submitted are true, correct and accurate.

c) Regional Review Process

1) Within 30 days after filing a request for enhancements with associated cost increases, the regional contract administrator responsible for administration of the contract shall acknowledge

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in writing that the request has been received.
 2) The responsible regional contract administrator will review each request for adequacy of documentation and appropriateness of the request.

3) The responsible regional contract administrator may request a meeting. The purposes of the meetings may include:

- A) Clarification, formulation, and simplification of issues;
- B) Resolution of matters in controversy;
- C) Exchange of documents and information;
- D) Stipulations of facts; and
- E) Such other matters as may aid in the simplification of the evidence and disposition of the issue.

d) The decision of the Director of the Department shall constitute final action. Decision of the Director shall be made within 150 days after the enhancement request.

e) Rate Setting for Approved Program Enhancements

A summary of enhancements and costs approved by the Director of the Department shall be forwarded to the central office manager responsible for the administration of reimbursement rates. The central office manager responsible for the administration of reimbursement rates will determine, based on standard Department rate setting methodology, the change to the reimbursable unit costs.

(Source: Added at 24 Ill. Reg. 7092-3 effective Jan 1, 2000)

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1) Heading of the Part: Reports of Child Abuse and Neglect

2) Code Citation: 89 Ill. Adm. Code 300

3) Section Numbers: Proposed Action:
 300.30 Amended
 300.160 Amended

4) Statutory Authority: 325 ILCS 5/4 and 325 ILCS 5/4.2

5) Effective Date of Amendment: June 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 14, 2000 at 24 Ill. Reg. 407

10) Has JCAR issued a statement of Objection to this amendment? No

11) Differences between proposal and final version: The only changes made to the final version include those editing and formatting changes recommended by the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on the Part? No

15) Summary and Purpose of Amendments: Amended rule Section 300.30 complies with the statutory requirement that the Department add advanced practice nurses and home health aides to the list of those persons mandated to report child abuse or neglect. Amended rule Section 300.160 complies with the statutory requirement that the Department prepare child death review reports for deaths reported to the State Central Register and issue an annual cumulative report to the Governor and General Assembly that incorporates the data of the individual reports.

16) Information and questions regarding these adopted amendments shall be

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directed to:

Mr. Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe Street, Station #65
Springfield, Illinois 62701-1498
(217) 524-1983
TDD: (217) 524-3715
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The full text of the adopted amendments begins on the next page:

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CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

TITLE 89: SOCIAL SERVICES

PART 300

REPORTS OF CHILD ABUSE AND NEGLECT

Section	Purpose
300.10	Definitions
300.20	Reporting Child Abuse or Neglect to the Department
300.30	Content of Child Abuse or Neglect Reports
300.40	Transmittal of Child Abuse or Neglect Reports
300.50	Special Types of Reports (Recodified)
300.60	Referrals to the Local Law Enforcement Agency and State's Attorney
300.70	Delegation of the Investigation
300.80	Time Frames for the Investigation
300.90	Initial Investigation
300.100	The Formal Investigative Process
300.110	Taking Children into Temporary Protective Custody
300.120	Notices Whether Child Abuse or Neglect Occurred
300.130	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.140	Referral for Other Services
300.150	Special Types of Reports
300.160	Child Death Review Teams
300.170	Child Death Review Teams
APPENDIX A	Acknowledgement of Mandated Reporter Status
APPENDIX B	Child Abuse and Neglect Allegations

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13189, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendments at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356,

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effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective July 1, 1995; amended at 20 Ill. Reg. 10328, effective July 19, 1996; amended at 22 Ill. Reg. 18847, effective October 1, 1998; amended at 23 Ill. Reg. 13590, effective November 15, 1999; amended at 24 Ill. Reg. ~~14077~~, effective JUN 1 2000.

Section 300.30 Reporting Child Abuse or Neglect to the Department

- a) Reports of suspected child abuse or neglect may be immediately made to the State Central Register via its toll-free number (1-800-25A-BUSE) at any time, day or night, or on any day of the week. Reports may also be made to the nearest Department office. The Department encourages use of the toll-free hotline number.

- b) Persons Mandated to Report Child Abuse or Neglect

1) Types of Mandated Reporters

Any of the following individuals who have reasonable cause to believe that a child known to them in their professional or official capacity may be abused or neglected shall immediately report or cause a report to be made to the Department. These mandated reporters include:

- A) physicians, residents, and interns;
- B) hospitals;
- C) hospital administrators and personnel engaged in the examination, care and treatment of persons;
- D) surgeons;
- E) dentists;
- F) dentist hygienists;
- G) osteopaths;
- H) chiropractors;
- I) podiatrists;
- J) Christian Science practitioners;
- K) coroners;
- L) medical examiners;
- M) emergency medical technicians;
- N) crisis line or hotline personnel;
- O) school personnel;
- P) educational advocate assigned to a child pursuant to the School Code;
- Q) truant officers;
- R) social workers;
- S) social services administrators;

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- T) domestic violence program personnel;
 - U) licensed nurses;
 - V) registered practical nurses, advanced practice nurses, home health aides;
 - W) directors or staff assistants of nursery schools or child day care centers;
 - X) recreational program or facility personnel;
 - Y) law enforcement officers;
 - Z) registered psychologists;
 - AA) assistants working under the direct supervision of a psychologist or psychiatrist;
 - BB) field personnel of the Illinois Departments of Public Aid, Public Health, Mental Health and Developmental Disabilities, Corrections, Children and Family Services, Human Rights or Rehabilitation Services;
 - CC) probation officers;
 - DD) foster parents, homemakers or any other child care worker;
 - EE) supervisors and administrators of General Assistance under the Illinois Public Aid Code;
 - FF) substance abuse treatment personnel; or
 - GG) funeral home directors or their employees.
- 2) Acknowledgement of Reporting Responsibility
- A) Individuals who became mandated reporters on or after July 1, 1986, by virtue of their employment shall sign statements acknowledging that they are mandated to report suspected child abuse and neglect in accordance with Section 4 of the Abused and Neglected Child Reporting Act [325 ILCS 5/4]. The statement shall be on a form prescribed by the Department, but provided by the employer. (See Appendix A.) The statement shall be signed before beginning employment and shall be retained by the employer as a permanent part of the personnel record.
 - B) The Department shall provide, upon request at a reasonable cost of \$.50 each, copies of the Abused and Neglected Child Reporting Act to all employers employing persons who are mandated to report under this Act.
- 3) Interference with Reporting Prohibited
- A) Mandated reporters who report instances of child abuse or neglect in their capacity as members of the staff of a medical or other public or private institution, school, facility or agency, may also notify the person in charge or designee of such institution, school, facility or agency that a report has been made. However, the person in charge or designee may not exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department. [325 ILCS 5/4]
 - B) Any person who knowingly and willfully violates any provision of this Section shall be guilty of a Class A

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- C) *misdeanor.* [325 ILCS 5/4]
Employers shall not discriminate in any manner against employees who make good faith reports of suspected child abuse or neglect or who act as witnesses or testify in an investigation or proceeding concerning a report of suspected child abuse or neglect. [325 ILCS 5/9.1]
- 4) Consequences of Failure to Report
- A) The privileged quality of communication between any professional person required to report and patient or client shall not constitute grounds for failure to report suspected child abuse or neglect. Mandated reporters who willfully fail to report suspected child abuse or neglect are subject to license suspension or revocation in accordance with the following statutes:
- Nursing and Advanced Practice Nursing Act ~~The Illinois Nursing Act of 1987~~ [225 ILCS 65];
 - Medical Practice Act of 1987 [225 ILCS 60];
 - Podiatric Medical Practice Act of 1987 [225 ILCS 100];
 - Clinical Psychologist Licensing Act [225 ILCS 15];
 - Clinical Social Work and Social Work Practice Act [225 ILCS 20];
 - The School Code [105 ILCS 5]; and
 - The Illinois Dental Practice Act [225 ILCS 25]. +
 - Physician Assistant Practice Act of 1987 [225 ILCS 95];
 - Illinois Optometric Practice Act of 1987 [225 ILCS 80];
 - Illinois Physical Therapy Act [225 ILCS 90]; and
 - Illinois Athletic Trainers Act [225 ILCS 5].
- B) *Any physician who willfully fails to report child abuse or neglect shall be referred to the Illinois State Medical Disciplinary Board for action. Any other person required to report suspected child abuse or neglect who willfully fails to report such abuse or neglect shall be guilty of a Class A misdemeanor.* [325 ILCS 5/4]
- 5) Written Confirmation of Reports
 Mandated reporters shall confirm their telephone report in writing on a form prescribed by the Department within 48 hours of the oral report. The Department shall provide forms to mandated reporters--one for the exclusive use of medical professionals and another for use by all other mandated reporters. These confirmation reports shall be admissible as evidence in any administrative or judicial proceeding related to child abuse or neglect. Local investigative staff shall transmit confirmation reports to the State Central Register within 24 hours of receipt.
- c) Other Persons May Report
 Other persons may report suspected child abuse or neglect if they have reasonable cause to believe a child may be abused or neglected.

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- d) Consequences of False Reporting
Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 1961 [720 ILCS 5/26-1(a)(7)]. A violation of this subsection is a Class B misdemeanor, punishable by a term of imprisonment for not more than 6 months, or by a fine not to exceed \$500, or both. Any person who violates this provision a second or subsequent time shall be guilty of a Class 4 felony. [325 ILCS 5/4]
 The Department shall refer cases of false reporting to the local State's Attorney when the reporter is known.
- e) Cooperation in Court or Administrative Hearings
 Any person who makes a report or who investigates a report may be ordered by the Court to testify fully in any judicial proceeding resulting from the report about any evidence of the abuse or neglect or the cause of the abuse or neglect. Any mandated reporter listed in subsection (b)(1) who makes a report of suspected child abuse or neglect shall testify fully in any administrative hearing resulting from such report, as to any evidence of abuse or neglect or the cause thereof. No evidence shall be excluded because of any common law or statutory privilege regarding communications between the alleged perpetrator or the child subject and the person making or investigating the report.
- f) Referrals to Public Health
 All mandated reporters listed in subsection (b)(1) may refer to the Department of Public Health any pregnant person in Illinois who is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].
- g) Depending upon Spiritual Means Through Prayer Alone for the Treatment or Cure of Disease or Remedial Care
A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian, or custodian accepts and practices such beliefs. [325 ILCS 5/4]
 Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and medical care necessary to treat or prevent that harm or risk of harm is not being provided because a parent or other person responsible for the child's welfare depends upon such spiritual means, the child shall be subject to the requirements of the Abused and Neglected Child Reporting Act for the reporting of, investigation of, and provision of protective services with respect to the child and his health needs.

(Source: ~~Amended~~ at 24 Ill. Reg. 7707 effective 3)

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Four types of child abuse or neglect reports shall receive special attention as specified below:

- a) Incident Involving the Death of a Child
 - 1) The Department shall immediately contact the appropriate medical examiner or coroner, the local law enforcement agency, and the State's Attorney when there is reasonable cause to suspect that a child has died as a result of abuse or neglect. The child protective investigator assigned to the investigation shall require a copy of the completed autopsy report from the coroner or medical examiner.
 - 2) The Department shall refer to the child death review teams described in Section 300.170 of this Part the death of any child who is:
 - A) a child for whom the Department of Children and Family Services is legally responsible;
 - B) a child being served in an open service case either by the Department or through purchase of service contracts with private agencies;
 - C) the subject of a pending child abuse or neglect investigation; or
 - D) a child who was the subject of an abuse or neglect investigation at any time during the 12 months immediately preceding the child's death;
 - E) any other child whose death is reported to the State central register as a result of alleged child abuse or neglect if the report is subsequently indicated.
 - 3) The Department shall cooperate with the work of the Office of the Inspector General and the child death review teams by:
 - A) providing to the team all records and case information relevant to the review, including records and information concerning all available previous reports or investigations of suspected child abuse or neglect. Other records and case information relevant to the review include:
 - i) birth certificates;
 - ii) all relevant medical and mental health records;
 - iii) records of law enforcement agency investigations;
 - iv) records of coroner or medical examiner investigations;
 - v) records of the Department of Corrections concerning a person's parole;
 - vi) records of a probation and court services department, and records of a social service agency that provided services to the child or the child's family;
 - B) assisting the Office of the Inspector General and the team in its review of the child's death; -
 - C) reporting on any follow-up interventions suggested by the Office of the Inspector General or the team;
 - D) providing follow-up on death ~~review~~^{review--team} cases where circumstances surrounding the death suggest other children

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may be at risk. Follow-up may include, but is not limited to:

- i) further investigation;
- ii) risk assessment;
- iii) grief counseling for other children in the family;
- iv) referrals for other services as appropriate;
- E) providing information and consultation regarding the juvenile court process and the availability of the court to protect or intervene with surviving siblings; and
- F) assisting with making arrangements for the date, time, and location of team meetings.
- 4) The Department shall prepare individual death review reports and issue an annual cumulative report to the Governor and General Assembly incorporating the data, appropriate findings and recommendations from the individual reports.
 - A) Child death review reports shall be completed no later than six months after the date of the death of the child. Upon completion of each report the Department shall notify the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the members of the Senate and the House of Representatives in whose district the child's death occurred. Reports shall address:
 - i) Cause of death;
 - ii) Identification of child protective or other services provided or actions taken regarding the child and his or her family;
 - iii) extraordinary or pertinent information concerning the circumstances of the child's death;
 - iv) whether the child or the child's family received assistance, care, or other social services prior to the child's death;
 - v) actions or further investigation undertaken by the Department since the death of the child; and
 - vi) recommendations concerning child protective, child welfare, or prevention issues.
 - B) Reports shall not contain information identifying the name of the deceased child, his or her siblings, parents or other persons legally responsible for the child, or any other members of the child's household.
 - C) Reports concerning the death of a child and the cumulative reports shall be made available to the public after completion or submittal.
 - i) A child-specific request for a report may be honored by the Department when the Department determines that disclosure of the information is not contrary to the best interest of the deceased child's siblings or other children in the household.

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ii) The Department shall not release or disclose to the public the substance or content of any psychological, psychiatric, therapeutic, clinical, or medical report pertaining to the deceased child or the child's family except as it may apply directly to the cause of the child's death.

D) The Department may request and shall receive in a timely fashion from departments, boards, bureaus, or other agencies of the State, or any of its political subdivisions, or any duly authorized agency, or any other agency that provided assistance, care or services to the deceased child, any information they are authorized to provide to enable the Department to prepare the report.

b) Reports Involving Child Care Facilities

Reports alleging abuse or neglect of children in child care facilities shall be made and received in the same manner as other reports. The appropriate supervisor or administrator at the facility shall be notified once the formal investigation has been commenced. Department licensing staff will be notified of all reports on licensed facilities upon commencement of the formal investigation. The Department shall advise the supervisor or administrator of their responsibility to take reasonable action necessary, based on all relevant circumstances and the allegations being investigated, to insure that the alleged perpetrator of the reported abuse or neglect is restricted from contact with children in the facility during the course of the formal investigation.

c) Reports Involving Schools

When a report is received alleging abuse or neglect of a child by a school employee known to the child through the employee's official or professional capacity, the Department will take the following actions:

- 1) to the extent possible, conduct an investigation involving a teacher at a time when the teacher is not scheduled to conduct classes.
- 2) conduct investigations involving other school employees in such a way as to minimize disruption of the school day;
- 3) make reasonable efforts to conduct the initial investigation in coordination with the employee's supervisor, if the report does not involve allegations of sexual abuse or extreme physical abuse.
- 4) when a report of alleged abuse involving a teacher occurred in the course of the teacher's efforts to maintain safety for other students, determine whether the teacher used reasonable force in accordance with rules established by the local board of education as authorized by the School Code [105 ILCS 5].
- 5) advise school officials that they may, in accordance with the School Code [105 ILCS 5], withhold from any person, information on the whereabouts of any child removed from school premises, when the child has been taken into protective custody as a victim

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of suspected child abuse and that they may direct persons seeking information to the Department or to the local law enforcement agency.

6) advise school employees accused of child abuse or neglect of their due process rights, of the steps in the investigative process, and that they may have their superior, association or union representative, and attorney present at any interview or meeting at which the school employee is present.

7) prior to indicating a report involving a school employee, the Department will take the following steps:

- A) send the employee a copy of the investigative file with identifying information deleted. Any materials and evidence submitted to the Department subsequent to sending the employee a copy of the investigative file shall be sent to the employee upon receipt by the Department;
- B) allow the school employee, prior to the final finding, an opportunity to:
 - i) present evidence to the contrary regarding the report; and
 - ii) request an informal conference at which the employee may present the additional evidence and/or, subject to the discretion of the Department, confront the accuser, provided the accuser is 14 years of age or older.

8) if an informal conference is requested, the Department shall schedule the conference after receipt by the employee of the copy of the investigative file, and shall:

- A) conduct the conference in a neutral setting away from the school grounds during hours when school is not in session, unless requested otherwise by the school employee;
- B) notify the following persons of the conference, if the purpose of the conference is merely to submit additional evidence:
 - i) the school employee and representative,
 - ii) Department representatives including the investigative worker;

C) notify the following additional persons if the employee wishes to confront the accuser and the Department has approved such a confrontation:

- i) the accuser, provided the accuser is 14 years of age or older, and the accuser's parents, guardian and/or representative of a Child Advocacy Center, when involved in the case. (The accuser is the person who has made the allegation of abuse or neglect. The accuser is not necessarily the same as the reporter.)
- ii) representatives of the State's Attorney's Office or law enforcement agency in the county where the alleged incident occurred, when the State's Attorney's Office

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or law enforcement agency are currently involved in the investigation and/or are considering filing criminal charges in the case.

- iii) persons identified by the employee who have information relevant to the report, who will be included in only those portions of the conference pertaining to their testimony;

D) following the conference, allow the school employee at least five calendar days to present additional evidence to the Department;

E) make a final determination with regard to the report in accordance with Section 300.110 of this Part.

9) No such conference will be allowed when there is a criminal investigation pending and the Department has been advised by law enforcement authorities or the State's Attorney not to allow a face-to-face confrontation between the accused and the accuser.

10) When determining whether to allow the school employee to confront an accuser who is 14 years or older, the Department shall take the following into consideration:

- A) whether, due to the nature of the allegation, a confrontation with the accused school employee would cause excessive trauma to the child, and
- B) whether the child has a documented history of mental, emotional or developmental problems.

11) The Department shall inform the child and the child's parents in writing prior to the conference and orally at the conference that:

- A) they may decline to attend or proceed with the conference, and
- B) if they do attend, they may refuse to answer any questions posed, and
- C) if the child attends, he or she has the right to have an attorney or other person representing his or her interests present at the conference, in addition to his or her parents or guardian.

12) Child's or parent's refusal to attend a conference or to answer questions shall not be grounds for unfounding an otherwise credible report.

13) All proceedings shall be confidential and no statement, summary, transcript, recording or other investigative product shall be released except on written order of the court, or in compliance with the confidentiality provisions of the Abused and Neglected Child Reporting Act. Violations of these provisions is a Class A misdemeanor [325 ILCS 5/11.11].

14) Whether or not an informal conference has been conducted, the school employee retains all other appeal rights provided in the Abused and Neglected Child Reporting Act [325 ILCS 5/7.16] and 89 Ill. Adm. Code 336 (Appeal of Child Abuse and Neglect

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Investigation Findings).

d) Reports Involving State Facilities and State Employees Acting in Their Official Capacity

When reports are received alleging abuse or neglect of children by any State of Illinois Department or any State employee acting in his or her official capacity, the report-taker will immediately notify the Director of the Department or designee. The Director or designee will transmit the details of the report to the Division of Internal Investigation, Illinois Department of State Police.

(Source: Amended _____ at 24 Ill. Reg. 7707 effective JUN - J 000)

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Functions and Planning Program

- 2) Code Citation: 23 Ill. Adm. Code 2310

- 3) Section Numbers: Adopted Action:
2310.80 Amended

- 4) Statutory Authority: Illinois Education Facilities Authority Act [110 ILCS 1015/5.01, 5.07 and 5.13].

- 5) Effective Date of Amendments: May 11, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does these amendments contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Date Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 5635 Issue 20, May 14, 1999

- 10) Has JCAR issued a Statement of Objection to these amendments? No

- 11) Difference between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of these amendments: Section 2310.80 is being amended to decrease the annual fee that the Authority charges to institutions that have outstanding financing through the Authority. The decrease in the annual fee is being adopted because the annual fee is a user fee intended to reimburse the Authority for the cost of providing services. The Authority projects that the annual fee revenue at the lower rate will be sufficient for the Authority to meet its operating expenses.

- 16) Information and questions regarding these adopted amendments shall be directed to: Thomas P. Conley

Executive Director
Illinois Educational Facilities Authority
120 South Riverside Plaza, Suite 1200
Chicago, IL 60606 312-876-6804

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendment begins on the next page:

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIV: ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

PART 2310

FUNCTIONS AND PLANNING PROGRAM

Section

- 2310.5 Introduction
 2310.10 Who May Apply for Financing
 2310.20 Types of Educational and Cultural Facilities that can be Financed
 2310.30 Types of Costs that can be Financed: Outstanding Debt
 2310.40 Interest Rate on the Authority's Bonds
 2310.50 Method of Financing
 2310.60 Length of Bond Issue
 2310.70 Type of Bond Issue
 2310.80 Fees
 2310.90 Authority Bond Issues and Bond Ratings (Repealed)

EXHIBIT A

Estimated Fee Schedule as Special Bond Counsel with Respect to Bonds Issued by Illinois Educational Facilities Authority (Repealed)

AUTHORITY: Implementing Sections 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [10 ILCS 1015/5.01, 5.07 and 5.13].

SOURCE: Filed December 23, 1977; amended at 4 Ill. Reg. 29, p. 270, effective July 2, 1980; amended at 6 Ill. Reg. 7414, effective July 1, 1982; codified at 7 Ill. Reg. 16396; amended at 8 Ill. Reg. 5192, effective April 6, 1984; amended at 8 Ill. Reg. 8444, effective June 5, 1984; amended at 10 Ill. Reg. 10569, effective June 30, 1986; amended at 11 Ill. Reg. 9106, effective April 28, 1987; amended at 11 Ill. Reg. 10600, effective May 26, 1987; amended at 13 Ill. Reg. 7898, effective May 15, 1989; amended at 17 Ill. Reg. 9680, effective July 1, 1993; amended at 20 Ill. Reg. 10336, effective July 1, 1996; amended at 21 Ill. Reg. 8926, effective July 1, 1997; emergency amendment at 23 Ill. Reg. 5877, effective April 30, 1999, for a maximum of 150 days; emergency expired September 27, 1999; amended at 24 Ill. Reg. 7720 effective MAY 1 2000.

Section 2310.80 Fees

- a) The Authority charges the following fees to participating institutions for the services it provides:

- 1) Application Fee - for processing an Application for Assistance. - An "Application Fee", based upon the following schedule, is payable upon submission of an application and is not refundable:
 A) \$250 on issues up to but not including \$1,000,000 principal

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amount:

- B) \$500 on issues of \$1,000,000 up to but not including \$5,000,000 principal amount; and
 C) \$1,000 on issues of \$5,000,000 principal amount and over.
 AGENCY NOTE: This fee will be credited to the Administrative Charge upon completion of the related bond financing.
 2) Administrative Charge - for completing a bond financing. - An "Administrative Charge" equal to 1/4 of 1% of the principal amount of bonds issued or \$10,000, whichever is less minus the Application fee paid, will be assessed at the closing of a financing.

AGENCY NOTE: The Administrative Charge includes the Annual Fee for the fiscal year in which the bonds are issued.

- 3) Annual Fee - for servicing a bond financing during a fiscal year. - An "Annual Fee" will be assessed for each bond issue outstanding on July 1 of each year. For Annual Fees coming due on or after July 1, 1997, the Annual Fee shall be 1/100 ~~1-5/100~~ of 1% of the original amount of the financing or \$7,500, whichever is less. The Annual Fee is payable in advance and is not refundable.

- b) These fees are designed to cover the operating expenses of the Authority. In addition, the participating institutions will be expected to bear all other costs of the financing, including trustee's fees, printing expenses, the financial advisor's fee, and the fee and disbursements of bond counsel. These fees may be financed with bond proceeds.

(Source: Amended at 24 Ill. Reg. 7720 effective MAY 1 2000)

DEPARTMENT OF HUMAN SERVICES

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3) Heading of the Part: Eligibility

2) Code Citation: 89 Ill. Adm. Code 682

<u>Section Numbers:</u>	<u>Adopted Action:</u>
682.220	Amended
682.240	Repealed
682.250	Repealed
682.260	Repealed
682.500	Amended
682.510	Repealed
682.520	Amended

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) Effective Date of Rulemaking: May 12, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 3, 2000, 24 Ill. Reg. 19

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: Proposed subsection (d) in Section 682.520 has been removed from the rulemaking and not adopted.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendment: This rulemaking amends and repeals Sections of this Part. These revisions eliminate the "cost sharing" provision of the rule. The repeal of this practice will have little impact since only a small number of current HSP customers are still in this status. The rulemaking allows the parents of a minor customer to exempt pension funds as an exempt asset. Another amendment clarifies that

DEPARTMENT OF HUMAN SERVICES

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rate increases must be the result of DHS-ORS action and must have the Department's approval.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 682
ELIGIBILITY

SUBPART A: GENERAL APPLICABILITY

Section
682.10 General Applicability

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section
682.100 General Eligibility Criteria

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section
682.200 Assets Limitation
682.210 Transfer of Assets
682.220 Exempt Assets
682.230 Assets Held in Joint Ownership
682.240 Income Allowances (Repealed)
682.250 Cost Sharing Provisions (Repealed)
682.260 General Exceptions to Cost Share Provisions (Repealed)

SUBPART D: EFFECT OF OTHER SERVICES ON HSP

Section
682.300 Effect of Other Services on HSP

SUBPART E: REDETERMINATION OF ELIGIBILITY

Section
682.400 Redetermination Requirements
682.410 Redetermination Time Frames

SUBPART F: GRANDFATHERING PROVISIONS

Section
682.500 Exceptions to Eligibility Standards
682.510 Exceptions to Cost Sharing Provisions (Repealed)
682.520 Exceptions to Service Cost Maximums

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

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SOURCE: Adopted at 19 Ill. Reg. 5070, effective March 21, 1995; amended at 20 Ill. Reg. 6307, effective April 18, 1996; amended at 20 Ill. Reg. 15749, effective December 3, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 2226, effective January 12, 1998; amended at 23 Ill. Reg. 3981, effective March 19, 1999; amended at 23 Ill. Reg. 14450, effective December 6, 1999; amended at 24 Ill. Reg. 7724 -, effective MAY 12 2000.

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section 682.270 Exempt Assets

For the purpose of determining the amount of the individual's assets, as described in Section 682.200, the following assets shall be considered to be exempt and not counted:

- the individual's primary residence, including its furnishings and contents and all contiguous property on which it is situated;
- vehicles, except those used primarily for recreation;
- personal property;
- business or farming equipment which is necessary for the production of income;
- life insurance including:
 - group life insurance held as a condition of employment or provided by an employer;
 - a prepaid burial plan with a value of up to \$1,500; and/or
 - any life insurance policy with cash value, or redeemable face value of \$2000, or less; and
- the principal of a trust if the trust document establishing the trust specifically states the principal cannot be impaired. HSP administration must be involved in any determination involving trust funds; and
- in the case of a minor customer (Section 682.200(b)), the parents' pension funds are exempt assets. "Pension funds" are defined as funds held in individual retirement accounts (IRA) or in work-related pension plans or plans for self-employed individuals.

(Source: Amended at 24 Ill. Reg. 7724 -, effective MAY 12 2000)

Section 682.240 Income Allowances (Repealed)

~~The customer and his/her family must meet the income guidelines for HSP or the customer will be required to contribute a portion of the cost of the HSP services received (see Section 682.250).~~

(Source: Repealed at 24 Ill. Reg. 7724 -, effective MAY 12 2000)

DEPARTMENT OF HUMAN SERVICES

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Section 682.250 Cost Sharing Provisions (Repealed)

- a) If the customer and his/her family have income in excess of the income guidelines for a family the size of the customer's, the customer must participate in the cost of services in order to receive services through the HSP.
- b) The amount of the cost share shall be 2% of the excess income of the family unit, less any disability-related expenses (e.g., cost of special medical supplies which are directly related to the customer's disability, etc.) applicable to the customer.
- c) Excess income shall be determined by adding all income for the family unit and subtracting the standard budget allowance for a family of that size. Any positive amount which results from this equation shall be considered as excess income for the purpose of determining the cost share amount.

(Source: Repealed at 24 Ill. Reg. 7724 - 7 effective MAY 12 2000)

Section 682.260 General Exceptions to Cost Share Provisions (Repealed)

- No cost sharing shall be required if the customer:
- a) has applied for Medicaid benefits through BPA and has provided documentation verifying application for such benefits to the connector;
- b) has been determined eligible to receive Medicaid benefits;
- c) has had a Medicaid Spend-Down established;
- d) is a recipient of SSI benefits; or
- e) is receiving only respite services (89 Ill. Adm. Code 676.40(i)).

(Source: Repealed at 24 Ill. Reg. 7724 - 7 effective MAY 12 2000)

SUBPART F: GRANDFATHERING PROVISIONS

Section 682.500 Exceptions to Eligibility Standards

A customer who was receiving planned services through HSP prior to July 17, 1983, and has remained in a continuous active status since that time, and meets the current minimum DON point requirements may:

- a) have a planned service cost above the SCM established for that customer's DON score as established July 17, 1983; b) not have his/her cost share amount increased as long as services remain at the same levels as prior to July 17, 1983; unless the customer chooses to cost share at a higher level; and
- b) have more than \$10,000 in non-exempt, customer-only assets.

(Source: Amended at 24 Ill. Reg. 7724 - 7 effective MAY 12 2000)

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NOTICE OF ADOPTED AMENDMENTS

MAY 12 2000

Section 682.510 Exceptions to Cost Sharing Provisions (Repealed)

A customer whose case was in an active status on or before April 17, 1987, and whose case has remained in an active status since that time with a cost share of less than 25% of excess income (89 Ill. Adm. Code 682.250(f)) that is paid directly to the vendor may continue to cost share at the lower percentage unless the customer chooses to cost share at a higher rate.

(Source: Repealed at 24 Ill. Reg. 7724 - 7 effective MAY 12 2000)

Section 682.520 Exceptions to Service Cost Maximums

- a) If the established SCM for a case is exceeded due to a DHS-ORS approved provider rate increase, the customer may continue to receive the same amount of services even though the SCM will be exceeded.
- b) If an increase in services is indicated, services must stay within the established SCM for the case, regardless of the impact of provider rates.
- c) Cases involving ventilator dependent customers and other customers with exceptional care needs whose need for care cannot be met by the SCM may have a rate established by Department of Public Aid (DPA) per 89 Ill. Adm. Code 684.70(c).

(Source: Amended at 24 Ill. Reg. 7724 - 7 effective MAY 12 2000)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Recipient Rights2) Code Citation: 59 Ill. Adm. Code 1113) Section Numbers:
111.10 Adopted Action:
Repealed4) Statutory Authority: Implementing 29 USC 794 (1995) and 45 CFR 84 (1994) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].5) Effective Date of Rulemaking: May 12, 20006) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notice of Proposal Published in Illinois Register: January 21, 2000, 24 Ill. Reg. 97510) Has JCAR issued a Statement of Objection to this rulemaking? No11) Differences between proposal and final version: None12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will this rulemaking replace an emergency amendment currently in effect?
No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Rulemaking: The rulemaking repeals this Section 111.10. In another rulemaking the Department of Human Services is amending its current rule on the Americans With Disabilities Act grievance procedures to include Section 504 of the Rehabilitation Act. This rulemaking is 4 Ill. Adm. Code 300.16) Information and questions regarding this adopted amendment shall be directed to:Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772The full text of the adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 59: MENTAL HEALTH

CHAPTER 1: DEPARTMENT OF HUMAN SERVICES

PART 111

RECIPIENT RIGHTS

Section 111.10 Nondiscrimination on the basis of handicap in the delivery of services under Section 504 of the Rehabilitation Act of 1973 (29 USCA 6-6-6-A; 701 et seq., 1982). (Repealed)

111.20 Services to individuals who are deaf, hard-of-hearing, deaf-blind, or deafened (hearing impaired) and/or who use manual/visual communication

111.25 Services to individuals in Department facilities who are non-English or limited-English speaking

111.30 Voter registration for service applicants (Repealed)

AUTHORITY: Section 111.10 implementing 29 USC 794 (1995) and 45 CFR 84 (1994); Section 111.20 implementing the Americans With Disabilities Act (42 USC 12101 et seq.); Sections 2-102(a), 3-204, 3-205 and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205 and 4-205]; Section 111.25 implementing Sections 2-102(a), 3-204, 3-205, and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205, and 4-205]; Section 111.30 implementing the National Voter Registration Act of 1993 (42 USC 1973gg (1995)); authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

SOURCE: Adopted at 8 Ill. Reg. 22086, effective November 1, 1984; emergency amendment at 19 Ill. Reg. 13584, effective September 15, 1995, for a maximum of 150 days; emergency expired February 12, 1996; amended at 20 Ill. Reg. 5520, effective March 29, 1996; transferred from the Department of Mental Health and Developmental Disabilities to the Department of Human Services by P.A. 89-507; amended at 21 Ill. Reg. 15579, effective November 25, 1997; amended at 24 Ill. Reg. 7496, effective June 17, 1999; amended at 24 Ill. Reg. 7730, effective MAY 12 2000.

Section 111.10 Nondiscrimination on the basis of handicap in the delivery of services under Section 504 of the Rehabilitation Act of 1973 (29 USCA 6-6-6-A; 701 et seq., 1982) (Repealed)

a) Policy

The Policy of the Department of Mental Health and Developmental Disabilities (the Department) is to fully implement and comply with Section 504 of the Rehabilitation Act of 1973 (the Act); Section 504 provides in part that no otherwise qualified handicapped individual in the United States as defined in Section 706(f) (89-6-6-7-7067 1982) shall solely by reason of his handicap be excluded from the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Section 111.10 establishes an administrative procedure for the filing and resolution of complaints by recipients of Department services alleging violation of Section 504.

Section 504 complaint procedure

- i) Filing of complaints
 - A) Any recipient of services from a mental health or developmental disabilities facility operated by the Department may file a complaint under Section 504 if he or she believes that he or she has been excluded from participation in, has been denied the benefits of, or has been subjected to discrimination solely on the basis of handicap under any program or activity of the Department receiving Federal financial assistance.
 - B) A legally competent adult recipient of services, the legal guardian of a recipient of services under guardianship or the parents or legal guardian of a minor recipient of services may file a complaint alleging noncompliance with Section 504 or any rules promulgated under Section 504 with respect to the recipient of services.
 - C) A written complaint must be filed with the facility director of a mental health or developmental disabilities facility operated by the Department within 30 days of the alleged discriminatory action. The complaint shall be made in writing on a form prescribed by the Department which may be obtained from the facility director. The complaint shall state with specificity the nature and circumstances of the alleged discrimination. No action pursuant to this grievance process to resolve an allegation of noncompliance with Section 504 will be taken unless a complaint has been filed with the facility director as provided for in Section 111.10.
 - D) First level: Facility director's review
 - A) The facility director shall, within 5 working days of the receipt of a written complaint, convene a meeting to discuss the actions of the Department that are viewed as discriminatory. The facility director may appoint an employee to conduct the meeting and make recommendations to the facility director on the issues raised by the complaint. The facility director may not remove the employee appointed to conduct the meeting and make recommendations to the facility director during an on-going review without providing to the appointee a written rationale for removal. The recipient and/or person who filed the complaint and any individual on his or her behalf with knowledge of the recipient's service needs or handicap may be present at the meeting and present any information that will assist in a

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

determination--of--the--recipient's--appropriate--mental--health--or--developmental--disabilities--service--needs--Staff--familiar--with--the--recipient's--reg--unit--staff--or--specific--program--staff--and--his--or--her--service--needs--shall--attend--the--meeting--The--facility--director--shall--ensure--that--staff--familiar--with--the--recipient--and--his--or--her--service--needs--attend--the--meeting:

- E) The facility director shall reach a decision as to whether:
 - i) the recipient has a handicapping condition;
 - ii) the condition has resulted in the recipient being excluded from participation in the being denied the benefits of or being subjected to discrimination under any program;
 - iii) the program is receiving federal financial assistance.
- B) The facility director's decision on these issues shall be provided in writing to the person who filed the complaint not more than 5 working days following the meeting. This decision shall be based on information gathered at the meeting, the recommendations of the appointee, and information obtained from the recipient and/or person who filed the complaint and from any individual with knowledge of the recipient's service needs or handicap present at the meeting. Remedial action is mandatory whenever the facility director determines that the conditions in (i), (ii), and (iii) above exist:
- 3) Second level--Regional administrator's review
 - A) The person who filed the complaint take an appeal from the decision of the facility director to the regional administrator of a geographical region under the operation of the Department. The appeal shall be made in writing within 10 working days from the receipt of the facility director's decision. Within 5 working days from the receipt of a letter of appeal, the regional administrator shall schedule a meeting to discuss the issues raised in the appeal. The regional administrator may appoint an employee to conduct the meeting and make recommendations to the regional administrator on the issues raised by the complaint. The regional administrator may not remove the employee appointed to conduct the meeting and make recommendations to the regional administrator without providing to the appointee a written rationale for removal. For example, an employee may be removed in cases of conflict of interest, of bias or prejudice against one of the parties or other grounds that render the employee incapable of fairly and impartially conducting the meeting.
 - B) Staff familiar with the recipient (e.g., unit staff or specific program staff) and his/her service needs shall attend the meeting.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- E) The regional administrator shall independently review the issues raised by the complaint and the appeal and shall reach a decision whether to uphold or amend the facility director's decision. This judgment shall be based upon information indicating whether the recipient has a handicapping condition that results in his or her being denied an opportunity to participate in or being denied the benefits of or being subjected to discrimination under any program or activity of the Department receiving federal financial assistance. A summary report of the information received at the meeting shall be made and maintained in the recipient's clinical record.
- B) The regional administrator's decision shall be provided in writing to the person who filed the complaint not more than 5 working days following the meeting.
- 4) Third level--Director's review
 - A) A further review of the regional administrator's decision may be secured by the person who filed the complaint by requesting such a review by the Director in writing within 10 working days from receipt of the regional administrator's decision.
 - B) The review by the Director shall include a review of the recipient's clinical record, the decision of the facility director, the summary report and decision of the regional administrator, and any additional information that the Director in his or her discretion deems necessary or advisable (e.g., any documents submitted by the complainant to the facility director or regional administrator). The Director shall not be limited to the record made at the facility director's or regional administrator's review.
 - C) The Director shall provide in writing to the person who filed the complaint a decision reflecting his or her review and disposition of the case within 10 working days from the receipt of the request for review.
- 5) Notice of recipients
 - Upon admission and at any other appropriate time, facility staff shall advise the recipient of his or her right to file a complaint under Section 504 of the Rehabilitation Act of 1973. Additionally, there shall be posted on each residential unit a statement of a recipient's rights under Section 504 and Section 5110(b). Facility staff shall assist the recipient in obtaining and submitting the complaint form.
- 6) Repealer
 - Section 111.10 supersedes the Department's Executive Order No. 92 entitled "Rehabilitation Act of 1973--policy Statement dated June 15, 1979, and replaces any and all inter-office correspondence or memoranda inconsistent with its provisions.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

(Source: Repealed at 24 Ill. Reg. **7730** effective
MAY 2 2000)

TRAVEL REGULATION COUNCIL

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Travel Regulation Council

2) Code Citation: 80 Ill. Adm. Code 3000

3) Section Numbers: Adopted Action:
3000.400 Amend
Appendix A Amend

4) Statutory Authority: Implementing and authorized by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3]

5) Effective Date of Amendments: May 9, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: January 14, 2000
24 Ill. Reg. 395

10) Has JC&R issued a Statement of Objection to the amendments? No

11) Differences between proposal and final version. No changes

12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? No changes were necessary.

13) Will these amendments replace an emergency amendment currently in effect?
Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Amendment to Section 3000.400 revises an incorporated reference to the *Federal Register* publication which summarizes federal lodging rates. Amendment to Section 3000 Appendix A increases lodging rates in Rock Island County and Washington, D. C.

16) Information and questions regarding this adopted amendment shall be directed to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

TRAVEL REGULATION COUNCIL

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

TRAVEL REGULATION COUNCIL

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER IV: TRAVEL REGULATION COUNCIL

PART 3000

THE TRAVEL REGULATION COUNCIL

SUBPART A: GENERAL

Section
3000.100 Authority
3000.110 Philosophy
3000.120 Policy
3000.130 Scope and Interpretation
3000.140 Definitions

SUBPART B: TRAVEL CONTROL SYSTEM

Section
3000.200 Travel Control System
3000.210 Designation of Headquarters
3000.220 Expenses at Headquarters or Residence
3000.230 Preparation and Submission of Vouchers or Travel Expenses

SUBPART C: TRANSPORTATION

Section
3000.300 Modes of Transportation
3000.310 Routing

SUBPART D: LODGING

Section
3000.400 Lodging Allowances
3000.410 Least Costly Lodging
3000.420 Conference Lodging
3000.430 Employee Owned or Controlled Housing

SUBPART E: PER DIEM-MEALS

Section
3000.500 Per Diem Allowance
3000.510 Meal Allowance

SUBPART F: MISCELLANEOUS RULES

Section
3000.600 Reimbursable and Non-Reimbursable Expenses

TRAVEL REGULATION COUNCIL

NOTICE OF ADOPTED AMENDMENTS

3000.610 Expenses Related to Transportation
 3000.620 Receipts Required
 3000.630 Meals for Other Persons

SUBPART G: EXCEPTIONS

Section
 3000.700 Exceptions to the Rules
 3000.710 Board-Agency Rules
 3000.720 Non-Required Travel

APPENDIX A Reimbursement Schedule

AUTHORITY: Implementing and authorized by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 12697, effective July 2, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 18188, effective January 1, 1987; peremptory amendment at 11 Ill. Reg. 14854, effective August 25, 1987; amended at 12 Ill. Reg. 11626, effective July 1, 1988; amended at 14 Ill. Reg. 10014, effective July 1, 1990; amended at 19 Ill. Reg. 7852, effective July 1, 1995; amended at 20 Ill. Reg. 7372, effective May 13, 1996; amended at 20 Ill. Reg. 9025, effective July 1, 1996; amended at 21 Ill. Reg. 8899, effective July 1, 1997; amended at 22 Ill. Reg. 11713, effective July 1, 1998; emergency amendment at 23 Ill. Reg. 11332, effective August 27, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 245, effective December 27, 1999; emergency amendment at 24 Ill. Reg. 861, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 7737, effective MAY 9 2000.

SUBPART D: LODGING

Section 3000.400 Lodging Allowances

- a) The lodging allowances specified in Appendix A, Reimbursement Schedule are the maximum rates allowed by the Travel Control Boards. The Council shall review the rates annually to determine necessary adjustments. Except as provided in Section 3000.430, only commercial lodging may be reimbursed.
- b) The maximum reimbursement for lodging in Cook County, Illinois shall be in accordance with the rate promulgated pursuant to 5 USC 701-5709 and 41 CFR 301, Appendix A, 1999, as revised (December 2, 1999 duty 197-1999, Federal Register, Vol. 64, #231 #197, Government Printing Office). No later amendments or editions shall act to vary this rate.

(Source: Amended at 24 Ill. Reg. 7737 - 3, effective MAY 9 2000.)

TRAVEL REGULATION COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Section 3000.APPENDIX A Reimbursement Schedule

The following rates are effective for the Travel Control Boards. The rates will be reviewed annually to determine necessary adjustments.

Type of Reimbursement	Rate
Mileage	
Auto	
Plane	

Per Diem/Meals

Within the State of Illinois

Breakfast	\$5.50
Lunch	\$5.50
Dinner	\$17.00
Per Diem -- Quarter	\$7.00
Per Diem -- Day	\$28.00

Outside the State of Illinois

Breakfast	\$6.50
Lunch	\$6.50
Dinner	\$19.00
Per Diem -- Quarter	\$8.00
Per Diem -- Day	\$32.00

Lodging

Chicago Metro

County of Cook
 Counties of Cook, Dupage, Kane,
 Lake, McHenry, Will

See Section 3000.400(b)

\$80.00

Downstate

Counties of Champaign, Kankakee,
 LaSalle, McLean, Macon, Madison
 Peoria, Rock Island, St. Clair,
 Sangamon, Tazewell, and Winnebago

\$60.00

All other Downstate Counties

Out-of-State

\$50.00

Washington, D.C. (includes the
 cities of Alexandria, Falls Church,
 and Fairfax, and the counties of

\$118.00

TRAVEL REGULATION COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Arlington, Loudoun, and Fairfax
in Virginia; and the counties of
Montgomery and Prince Georges in
Maryland)

All other Out-of-State

\$110.00

Actual Reasonable

7737

effective

Out-of-Country

(Source: Amended at 24 Ill.

MAY 19 7 00 PM '00)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2000 FIRST QUARTER SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the First Quarter of 2000. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications	Property Factor
Bond Premium Amortization	Sales Factor
Dividends	Transportation Services
Interest	Other Rulings
Net Operating Loss	(Not Included Above)
Zero Coupon Bonds	Assessment
Other Rulings	Bankruptcy
(Not Included Above)	Base Income
Administrative Review	(Also See Addition Modifi-
Allocation	cations, Fringe Benefits,
(For Alternative Apportionment	Subtraction Modifications)
Rulings, See that heading)	Books and Records
Alternative Apportionment	Bulk Sales: See Sales
Amnesty	Outside the Ordinary Course
Apportionment	of Business (Bulk Sales)

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2000 FIRST QUARTER SUNSHINE INDEX

2000 FIRST QUARTER SUNSHINE INDEX

Financial Organizations	Business Income	Exempt Organizations	fications
Insurance Companies	Capital Gains (Losses)	Extensions	Net Income (Loss) and Net Loss
Payroll Factor	Farmers: See Estimated Tax	Failure to File: See Penalties	Deduction (ITTA S207)
(Also See Subtraction Modifications)	Federal Returns	Failure to Pay: See Penalties	Other Rulings
- Valuation Limitations)	Fiduciaries	(Also See Base Income, Capital	(Not Included Above)
Check Off Funds	Financial Organizations: See	Gains (Losses), Combined Unitary	Regulated Investment Companies
Circuit Breaker	Apportionment	Returns, Net Operating Loss and Net	Replacement Tax
Claims for Refund: See Refunds	Foreclosure	Operating Loss Deduction)	(Also See Credits)
Collection	Foreign Sales Corporations	Net Operating Loss and Net Operating	Requirements of Requests for
Combined Unitary Return	(FSC's)	Loss Deduction	General Information Letters
(Also See Unitary)	Foreign Tax: See Credits	Nexus: See Public Law 86-272/Nexus	Requirements of Requests for
Commercial Domicile	Foreign Trade Zones: See	Nonbusiness income	Private Letter Rulings
Compensations	Subtraction Modifications,	Residency/Nonresidency	Returns
Composite Returns	Credits--Jobs Tax	Notice and Demand: See Notices	(For Combined Unitary Return and
Confidentiality	Forms	Notices	Composite Return Rulings, See
Coal Research and Utilization	Fraud: See Penalties	Nuclear Decommissioning	Those Headings)
Credit for Replacement Tax	Fringe Benefits	Trusts	Amended Returns
Paid	IRC S125 "Cafeteria" Plans	Overpayments: See Refunds	Due Dates
Credit for Residential Real	IRC S401(k) Plans	Partnerships	Requirements to File
Property Taxes	Other Rulings (Not Included	Payments:	Short Period Returns
	(Above)	Payroll Factor: See Apportionment	Other Rulings
Enterprise Zone Investment	Gain (Loss): See Capital Gains	Penalties	(Not Included Above)
Foreign Tax	(Losses): Valuation Limitation	Failure to File (ITTA S1001)	S Corporations
High Impact Business	Information Reports	Failure to File Withholding	Sales Factor: See Apportionment
Investment	Insurance Companies: See Appor-	Returns (ITTA S1004)	Sales Outside the Ordinary Course
	tionment	Failure to Pay (ITTA S1002)	of Business (Bulk Sales)
Jobs Tax	Interest Income	Failure to Pay Estimated Tax	Seizure
Replacement Tax Investment	(Also See Addition Modifications,	(ITTA S804)	Separate Accounting: See Alternative
Research and Development	Subtraction Modifications)	Fraud (ITTA S1002)	Apportionment
Training Expense	Interest on Refunds and Deficiencies	Reasonable Cause (ITTA S1001)	Signature
Other Rulings	IRC S338	Underpayment of Tax (ITTA S1005)	Specific Accounting
(Not Included Above)	Jeopardy: See Assessment	Other Rulings	Statute of Limitations: See Assess-
Deficiencies	Judicial Review	(Not Included Above)	ment, Collection, Deficiencies
Definitions	Liens	Pensions	Refunds
Domestic International Sales	Limited Liability Companies	(Also See Subtraction Modifications)	Subtraction F Income: See Sub-
Corporations (DISCs)	Lottery	Political Organizations	traction Modifications
Elections: See Combined	Military	Professional Athletes	Subtraction Modifications
Unitary Return, Extensions,	(Also See Subtraction Modifications)	Property Factor: See Apportionment	Subtraction Modifications
Unitary		Property Tax: See Subtraction Modifi-	Bond Premium Amortization
Enterprise Zones	Miscellaneous	cations	Enterprise and Foreign Trade
(Also See Credits, Subtraction	Modification Addition: See Addition	Protest	Zones
Modifications)	Modification Subtractions: See Sub-	Public Law 86-272/Nexus	Illinois Tax Refund
Erroneous Refund: See Refunds	traction Modifications	Rate of Tax	Interest on U.S. Government Obli-
Estates	Mutual Funds: See Subtraction Modi-	Real Estate Investment Trusts	gations
Estimated Tax			

DEPARTMENT OF REVENUE

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2000 FIRST QUARTER SUNSHINE INDEX

Reasonable Cause: See Penalties
 Refunds (Also See Subtraction Modifications) Military Money Market Mutual Funds
 Statute of Limitations Unitary
 (Also See Combined Unitary Return)
 Qualified Pension Plans U.S. Government Obligations: See
 Real Estate Taxes Subtraction Modifications
 Subpart F Income Valuation Limitation: See Sub-
 Transportation Services traction Modifications
 Valuation Limitation Voluntary Disclosure Agreements
 Other Rulings Waiver on Assessments: See Assess-
 (Not Included Above) ment
 Taxability in Other States Withholding
 Taxable year Employee Benefits
 Transferees Exemptions
 (Also See Sales Outside the Ordinary Personal Service Contracts
 Course of Business (Bulk Sales)) (ITRA 51405.2)
 Transportation Services: See Appor- Reciprocal Agreements
 tionment Other Rulings
 Trusts (Not Included Above)
 Uniform Penalty and (Not Included Above)
 Interest Act
 Unitary
 (Also See Combined Unitary Return)
 U.S. Government Obligations: See
 Subtraction Modifications
 Valuation Limitation
 Voluntary Disclosure Agreements
 Waiver On Assessments: See
 Assessment
 Withholding

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998 and 1999 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
 Legal Services Office

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2000 FIRST QUARTER SUNSHINE INDEX

101 West Jefferson Street
 Springfield, Illinois 62794
 Telephone: (217) 782-6996

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 9, 2000 through May 15, 2000 and have been scheduled for review by the Committee at its June 13, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of Notice	JCAR Meeting
6/22/00	Department of Insurance, Annual Privilege Tax (50 Ill Adm Code 2510)	1/14/00 24 Ill Reg 420	6/13/00
6/22/00	Department of Insurance, Annual Retaliatory Tax (50 Ill Adm Code 2515)	1/14/00 24 Ill Reg 424	6/13/00
6/22/00	Department of Insurance, Overpayments, Refunds, Amendments and Penalties (50 Ill Adm Code 2525)	1/14/00 24 Ill Reg 431	6/13/00
6/23/00	Department of Human Services, Service Planning and Provision (89 Ill Adm Code 684)	3/17/00 24 Ill Reg 4004	6/13/00
6/23/00	Department of Transportation, Inspection Procedures for Type I School Buses (92 Ill Adm Code 441)	3/24/00 24 Ill Reg 4928	6/13/00
6/23/00	Department of Transportation, Minimum Safety Standards for Construction of Type I School Buses (92 Ill Adm Code 440)	3/24/00 24 Ill Reg 4930	6/13/00
6/25/00	The Board of Trustees of the University of Illinois, Relocation Assistance (71 Ill Adm Code 2400)	2/18/00 24 Ill Reg 2646	6/13/00
6/25/00	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	3/24/00 24 Ill Reg 4292	6/13/00

2000-6
EXECUTIVE ORDER ESTABLISHING THE
GREEN ILLINOIS GOVERNMENT COORDINATING COUNCIL

WHEREAS, like other large businesses, manufacturers and service providers, State executive agencies generate waste products and consume large quantities of natural resources through their operation and the items they purchase;

WHEREAS, Illinois' economy and the health, safety and quality of life of its citizens are dependent on the careful stewardship of resources and utilization of environmentally-sustainable practices;

WHEREAS, State government can be a model for environmental leadership by implementing pollution prevention and resource conservation programs that not only enhance environmental protection, but also save taxpayers\$2 money through reduced material costs, waste disposal costs and utility bills;

WHEREAS, State government can foster markets for emerging environmental technologies and products, and promote a culture of environmental sensitivity;

WHEREAS, a program of environmental education, demonstration projects and technical assistance is needed to better inform each executive agency about the opportunities and benefits of pollution prevention and resource conservation.

NOW THEREFORE, BE IT RESOLVED THAT I, George Ryan, by virtue of the power vested in me as Governor, do hereby establish the Green Illinois Government Coordinating Council (hereinafter referred to as "Council").

1. **Purpose of the Council.** The purpose of the Council is to, cooperatively across executive agency jurisdictions, facilitate the incorporation of pollution prevention and resource conservation practices into government management and operations, including but not limited to source and waste reduction, energy efficiency, water conservation, recycling/reuse, green building design and environmentally-friendly purchasing.

2. **Composition of the Council.** The Council shall include the Directors of the following agencies or their designees: Department of Commerce and Community Affairs, Environmental Protection Agency, Department of Natural Resources, Waste Management and Research Center, Department of Central Management Services, Department of Agriculture and Capital Development Board. The Council shall be jointly chaired by the Directors of the Environmental Protection Agency and Department of Central Management Services or their designees. The Environmental Protection Agency shall provide administrative support to the Council.

3. **Responsibilities of the Council.** The Council shall be responsible for the development of programs, plans and policies that prevent pollution and conserve natural resources throughout State government. The Council shall convene quarterly during the year and be responsible for the following:

- a. Review of State procurement guidelines and development of recommendations for increasing acquisition of recycled content products and incorporating other favorable environmental attributes into the State procurement process, consistent with price, performance, availability and safety considerations. Such environmental attributes may include but are not limited to energy efficiency, water conservation, toxics use reduction, conservation of natural resources and waste minimization.
- b. Creation of an incentives program that recognizes or rewards State employees for developing projects and/or work practices that achieve exemplary results in preventing pollution or conserving natural resources in government management or operations.

- c. Implementation of an environmentally-sustainable technologies and products demonstration program that tests the viability of incorporating innovative pollution prevention and resource conservation practices into government management and operations. The Council shall consider a broad range of environmental technologies and products in implementing the demonstration program, such as: energy and water conserving products; paints, cleaners, printing inks and other chemical items that have reduced pollutants; office paper reduction practices; installation of more efficient lighting systems; use of renewable energy technologies and fuels; landscaping techniques that minimize unnecessary water usage; alternatives to mercury-containing medical products and equipment; integrated pest management procedures; and use of reusable shipping containers. On or before September 1 of each year, the Council shall prepare an annual report that summarizes program accomplishments and identifies issues of future importance.

- d. Development of guidance materials to assist executive State agencies in identifying environmental impacts and evaluating practical actions to prevent pollution and conserve resources.

- e. Designation of a team of engineers and technical specialists to provide information, training and on-site consultation to executive agencies on pollution prevention and resource conservation opportunities.

- f. Creation of an educational program to help State employees understand the importance of environmental issues and the opportunities to use pollution prevention and resource conservation practices in daily decisions.

- g. Identification of sustainable and energy-efficient design criteria for new and renovated building space.

4. Responsibilities of State Agencies.

- a. Each executive agency shall form an internal committee to assess

the environmental impacts of its activities and identify practical alternatives for incorporating pollution prevention and resource conservation into agency management and operational practices. The committee shall consist of representatives from different departments and program areas, including purchasing, maintenance and facility management. A chairperson shall be appointed to coordinate committee activities and act as liaison to the Council.

- b. On or before March 1 of each year, each executive agency shall submit to the Council a list of any pollution prevention or resource conservation projects that were implemented in the previous calendar year. The Council shall assemble the individual agency projects and submit them, together with an executive summary, to the Governor before September 1 of each year.

- c. All executive agencies under the Governor's jurisdiction shall cooperate fully with the Council and provide assistance and information as needed to carry out its functions effectively.

- d. Independent agencies shall be invited to participate in the Council's efforts to foster pollution prevention and resource conservation practices throughout State government.

5. **Effective Date.** This order shall take effect immediately.

6. **Termination Date.** This order shall remain in effect unless revised or rescinded by the Governor.

Issued by the Governor April 27, 2000.

Filed with the Secretary of State April 27, 2000.

2000-7

EXECUTIVE ORDER ESTABLISHING THE GREEN ILLINOIS COMMUNITIES DEMONSTRATION PROGRAM

WHEREAS, since our air, land and water resources are linked together in sustaining all life and that integrated planning and management methods that recognize the interconnectedness of natural processes can provide better environmental protection;

WHEREAS, collaborative processes which bring together people, organizations, businesses and government can foster an improved understanding of environmental problems and development of common goals;

WHEREAS, community-based strategies that build common purpose, integrate environmental objectives with other local concerns and encourage greater public involvement can bring about creative environmental protection solutions;

WHEREAS, State environmental agencies can provide tools, information and support in assisting communities to develop integrated, cooperative environmental programs;

NOW THEREFORE, BE IT RESOLVED THAT I, George Ryan, by virtue of the power vested in me as Governor, do hereby establish the Green Illinois Communities Demonstration Program to facilitate and support community-based environmental protection strategies that bring together diverse interests, address environmental problems in a holistic and collaborative manner and encourage interaction among and within government agencies.

1. The Illinois EPA, in cooperation with the Illinois Department of Natural Resources, Illinois Department of Agriculture, Illinois Department of Commerce and Community Affairs and the Illinois Waste Management and Research Center, is directed and authorized to enter into partnership agreements with three communities in the State that wish to build their capacity to protect the environment while enhancing community well-being.
2. In selecting communities to participate in this demonstration program, the Illinois EPA shall ensure participation by communities of different sizes and characteristics. The program shall, to the greatest extent practicable, advance the following broad principles of sustainability: restoring critical ecosystems; achieving a cleaner, healthier environment; protecting and enhancing wildlife habitat and natural areas; using energy, water and other resources efficiently; reducing reliance on non-renewable resources; expanding environmental awareness and creating quality, prosperous communities. For the purposes of this program, the term "community" can mean one or more local governments, a neighborhood within a large city, an appropriately-scaled watershed or ecosystem, or some other specific geographic area with which people identify or share common interests.
3. To qualify for participation in the Green Illinois Communities Demonstration Program, a community must commit to a strategic planning process that assesses local environmental strengths and weaknesses; identifies key environmental trends; creates a public vision and goals of what the community wants the local environment to be in the future; and develops strategies for realizing the environmental vision and goals. The planning process shall be designed to involve participation from broad segments of the community.
4. Upon selection for participation in the Green Illinois Communities Demonstration Program, the community shall receive the following benefits: financial support to facilitate planning and outreach-related programs; technical support in identifying and assessing community environmental conditions; timely notice, priority consideration and expedited review for State funding initiatives; technical, networking and peer-to-peer informational assistance; and assistance in seeking and leveraging federal and private sector funding sources.
5. Beginning September 1, 2001, and each year thereafter, Illinois EPA shall provide to the Governor a report regarding successful and unsuccessful elements of this demonstration program, including recommendations for executive action to modify or repeal the program.

Illinois EPA shall also prepare a compendium of innovative environmental protection strategies developed by the demonstration communities that can serve as models for other communities in the State.

Issued by the Governor April 27, 2000.

Filed with the Secretary of State April 27, 2000.

2000-8

EXECUTIVE ORDER CREATING BALANCED GROWTH CABINET

WHEREAS, every Illinois resident has the right to a safe and healthy environment, and to protection of the tremendous natural and economic resources with which our State is blessed; and

WHEREAS, Illinois is faced with vanishing open spaces, loss of agricultural land, decaying urban infrastructure, increased traffic congestion, and a reduction in the quality of life in many existing communities; and

WHEREAS, if allowed to persist and worsen, these problems will damage our State's economic competitiveness, result in the loss of irreplaceable natural resources, and erode the quality of life we enjoy in the Land of Lincoln; and

WHEREAS, achieving balance between the oftentimes competing interests of economic development and environmental preservation requires careful planning, consensus-building, and effective stewardship by State and local governments and others; and

WHEREAS, the enhancement of the quality of life for future generations in Illinois will depend largely on the success of cooperative efforts among and between State Government, local officials, environmentalists, developers, farmers, homebuilders, naturalists, business people, commuters 96 in short, every group and individual with an interest in how growth occurs in Illinois; and

WHEREAS, because of the varied missions and responsibilities of the several State agencies with programs and policies that affect growth and the environment in Illinois, State government must do its part by developing a renewed commitment to a fully coordinated and integrated decision-making process that will lead to better informed decisions, and to the establishment of long-range goals, strategies and programs which will balance the vitally important needs of the State's environment and natural resources, and the Illinois economy, while protecting and preserving local decision-making and authority;

THEREFORE, I, George H. Ryan, Governor of Illinois, hereby order the following:

1. There is created a Balanced Growth Cabinet, headed by the Senior Advisor to the Governor on Environment and Natural Resources.
2. Balanced Growth Cabinet Members shall include as permanent members:

the Directors of the Department of Natural Resources, Environmental Protection Agency, Department of Agriculture, Department of Commerce and Community Affairs, Development Finance Authority and the Housing Development Authority; and the Secretary of the Department of Transportation. The Cabinet may seek the ad hoc participation of other State departments, agencies, boards and commissions, public interest groups and private organizations, as necessary or appropriate.

3. The objectives of the Cabinet shall include, but not be limited to, coordination of key decisions impacting growth and development in Illinois; evaluation of existing State programs to ensure those programs are aiding in the accomplishment of the Governor's goals for balanced growth; recommendation of additions or changes to State programs to make those programs more effective in achieving balanced growth; identification and maximization of State, federal and private sources of assistance and support; and delivery of quality services and the enhancement of the quality of life available to the people of Illinois.

4. The Cabinet's work shall be guided by these five core principles:

- a) Reducing Traffic Congestion - We must invest in and promote transit and road and highway improvements that reduce traffic congestion, as well as increase access to jobs in existing communities.
 - b) Preservation of Open Space - We must invest in and promote the protection and preservation of natural areas and open space, before they are forever lost to development.
 - c) Reinvestment and Redevelopment - We must invest in programs that encourage the revitalization of existing communities, and that bring jobs back to already developed but decaying urban and industrial sites.
 - d) Quality of Life - We must invest in programs that increase the quality of life in our communities, which means better schools, safer streets, more affordable housing, clean environment, recreational opportunities, and more.
 - e) Local Government Partnership - We must proceed as partners with local government. Incentives for growth must be utilized, rather than penalties. The State will not dictate to local governments; rather, local officials are critical to this effort, and their authority must be preserved.
5. The Cabinet is encouraged to seek public input, pursue public-private partnerships and promote community-based planning on key issues affecting growth and development in Illinois.
6. The Balanced Growth Cabinet shall meet at least every two months.

7. This Executive Order shall be effective immediately.

Issued by the Governor April 28, 2000.

Filed with the Secretary of State April 28, 2000.

2000-9

**EXECUTIVE ORDER TO REWRITE AND
REFORM THE ILLINOIS CRIMINAL CODE**

WHEREAS, the Criminal Code of Illinois has not undergone a comprehensive review since 1961 and is currently a collection of stopgap solutions, which has swelled from 72 pages when passed to 1,200 pages today.

WHEREAS, in the ensuing forty years the numerous amendments and additions to the Criminal Code have made it overly complex and difficult to interpret and apply.

WHEREAS, our laws should be written in plain-English so that they are clear and easily understood by all.

WHEREAS, a substantive re-codification process is necessary to address the significant changes in our society, such as, growth of drug trafficking, increased viciousness of gangs and the expanding criminal frontier of computers and the Internet.

WHEREAS, these changes in society are not adequately integrated into all the appropriate facets of our law but must be in order to ensure a cohesive and fair approach to crime and punishment for the next century.

THEREFORE, I, George H. Ryan, order the following:

I. The creation of a Criminal Code Rewrite and Reform Commission (CCRRC) in the State of Illinois.

A. The voting members of the CCRRC shall consist of 33 voting members appointed by the Governor. The Governor shall designate a Chairperson and Vice-Chairpersons. The Governor shall also appoint an Executive Director. The Commission shall appoint a professor from an accredited Illinois law school to serve as the Commission's reporter. The Commission shall also appoint a consultant to advise them on the use of plain English.

B. The voting members shall serve at the pleasure of the Governor.

C. Voting members of the CCRRC shall serve without compensation, but may be reimbursed for expenses incurred in carrying out the duties of the CCRRC, unless prohibited by any law or regulation.

D. The CCRRC shall be provided assistance and necessary staff support services by the Office of the Governor and the agencies

of State government involved in the issues to be addressed by it.

- E. The CCRRC shall seek the input and participation of other departments, agencies, boards and commissions, units of government, private organizations, public interest groups and victim rights organizations as necessary or appropriate.

II. PURPOSE: The purpose of the CCRRC shall include, but not limited to, the following:

- A. Conduct a comprehensive study and analysis of the existing criminal laws and the procedural and sentencing laws of this State;
- B. Propose simple and clear language and a coherent structure for the criminal statutes so that the Illinois criminal laws and the procedural and sentencing laws will be more easily applied and understood by both the public and legal practitioners;
- C. Review existing offenses and penalties to determine if the penalty provided is proportional to the seriousness of the offense committed and to the penalties provided for other offenses, as well as balancing the needs to protect the public, deter other crimes, and rehabilitate offenders to useful citizenship; and
- D. Propose new provisions which address the changing nature of crime and which will ensure that our criminal laws and punishment will make Illinois safer for all its citizens as we enter the new century.

III. MEETINGS: The entire CCRRC shall meet at least quarterly or upon the call of the Chairpersons or a majority of the voting members. A quorum of the CCRRC shall consist of a majority of the voting members.

IV. ANNUAL REPORTS: The CCRRC shall report to the Governor annually or as it deems necessary and useful on the results of the performance of its duties.

V. EFFECTIVE DATE: This Executive Order Number 9 (2000) shall be effective upon filing with the Secretary of State.

Issued by the Governor May 4, 2000

Filed with the Secretary of State May 4, 2000.

PROCLAMATIONS

2000-240

QUENTIS B. GARTH SCHOLARSHIP FOUNDATION DAY

WHEREAS, the Quentis B. Garth Scholarship Foundation is committed to increasing educational opportunities for economically-deprived students in fields such as science, engineering, medicine, astronomy, architecture, aviation, journalism and computer technology; and

WHEREAS, fourteen university or college seniors, who were enrolled in the Quentis B. Garth Scholarship Program, will receive degrees this year; and

WHEREAS, thirty students are currently enrolled at various universities or colleges and in the Quentis B. Garth Scholarship Program; and

WHEREAS, the Quentis B. Garth Scholarship Foundation encourages students to strive for excellence in their community and school as they develop into the leaders of tomorrow;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 13, 2000, as the QUENTIS B. GARTH SCHOLARSHIP FOUNDATION DAY in Illinois. Issued by the Governor April 20, 2000.

Filed by the Secretary of State May 9, 2000.

2000-241

ZION MISSIONARY BAPTIST CHURCH CONGRATULATED

WHEREAS, the Year 2000 marks the 162nd Anniversary Celebration of the Zion Missionary Baptist Church, Springfield, Illinois; and

WHEREAS, this proclamation is presented in recognition of the longevity, the contributions and the service of the members of Zion Missionary Baptist Church to the community of Springfield and to the State of Illinois; and

WHEREAS, special events in celebration of the church's 162nd Anniversary will be held April 30, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, congratulate the congregation of ZION MISSIONARY BAPTIST CHURCH on the occasion of its 162nd Anniversary, and extend my best wishes to the pastor, Reverend Samuel W. Hale, Jr.

Issued by the Governor April 20, 2000.

Filed by the Secretary of State May 9, 2000.

2000-242

HERMES EXPO INTERNATIONAL DAY

WHEREAS, the Hermes Expo '2000 trade show is expected to attract more than 200 exhibitors, many of whom will travel from Greece, Cyprus and Eastern European Countries to display their products and services at Hermes 2000. There are also numerous U.S. manufacturers who will be there with customized products for the affluent and growing marketing group of Greek Americans who will visit the exhibition; and

WHEREAS, the grand opening and ribbon cutting will be held at Navy Pier in Chicago on May 20, 2000 for the start of the 2-day show; and

WHEREAS, the exhibition will also have simultaneous presentations of current films from Greece's entertainment industry, wellness seminars and other

similar events presently under development; and

WHEREAS, representatives from businesses and a wide range of industries representing all parts of North America, Greece, Cyprus, the Mediterranean and Eastern Europe will gather for yet another time, to exhibit their products and services to the U.S. market;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20, 2000, as HERMES EXPO INTERNATIONAL DAY in Illinois.

Issued by the Governor April 24, 2000.

Filed by the Secretary of State May 9, 2000.

2000-243

ONWARD NEIGHBORHOOD HOUSE DAY

WHEREAS, Onward Neighborhood House is a community-based family resource center dedicated to the positive development of children and youth, while supporting parents and adults in providing a quality home life, thereby promoting the stability of the neighborhood; and

WHEREAS, operating since 1928 as a joint effort of the Presbytery of Chicago and the United Church of Christ, Onward Neighborhood House was incorporated in 1943 as a non-profit organization serving low income community residents in the southeast area of West Town; and

WHEREAS, on May 12, 2000, Onward Neighborhood House will hold its Seventh Annual Board Benefit to support their programs for disadvantaged children and community residents of West Town at Chicago's new Peggy Notebaert Nature Museum;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 12, 2000, as ONWARD NEIGHBORHOOD HOUSE DAY in Illinois.

Issued by the Governor April 24, 2000.

Filed by the Secretary of State May 9, 2000.

2000-244

POLISH CONSTITUTION DAY

WHEREAS, the Polish Constitution of 1791 was the first liberal declaration in Europe which called for rule by majority and democratic principals of liberty and religious freedom; and

WHEREAS, Polish Americans contributed greatly to the State of Illinois in all areas including arts, business, science, medicine, law, government, and public services; and

WHEREAS, Adam Oycenko, Parade Chairman announced Rev. Michal Osuch, Pastor of the St. Hyacinth Catholic Church is the Parade Grand Marshal; and

WHEREAS, the Governor's Office of Ethnic Affairs with the Katyn Families Foundation will sponsor an exhibit at the James R. Thompson Center; and

WHEREAS, the Chicago Society of the Polish National Alliance will hold a Pre-Parade Brunch at the Catering Concepts in Chicago and the Polish Constitution Day Banquet, sponsored by the Polish Constitution Day Committee, will be held at the Jolly Inn in Chicago; and

WHEREAS, the Annual Wreath Laying Ceremony, sponsored by the Polish National Alliance, will take place at the Tadeusz Kosciuszko Statue on May 7, 2000, at the Solidarity Parkway in Chicago; and

WHEREAS, following the ceremony, the Polish National Alliance Commemorative Mass at Holy Trinity Church will be celebrated by Rev. Henryk

Jankowski; and

WHEREAS, the Polish American Police Association's 36th Annual Awards Banquet celebrating Polish Constitution Day will honor Dennis M. Lesniak, Deputy Chief Area Four Patrol Chicago Police Department and Joseph T. Potasiak, Attorney for the City of Chicago as an Assistant Corporation Counsel; and

WHEREAS, the Polish Constitution Day Parade, honoring the 299th anniversary of the adoption of the Polish Constitution of 1791, will take place Saturday, May 6, 2000, and its theme will be "150 Years of Polish Neighborhoods in Chicago";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 3, 2000, as POLISH CONSTITUTION DAY in Illinois.

Issued by the Governor April 24, 2000.

Filed by the Secretary of State May 9, 2000.

2000-245

DAVID RITTER DAY

WHEREAS, David Ritter, Chair of the Fine and Applied Arts Department at Deerfield High School, will be retiring this year and deserves recognition for his outstanding role as an art educator; and

WHEREAS, through the hiring of outstanding music and theatre teachers, Mr. Ritter has brought excellence to these two curricular areas for the benefit of Deerfield High School students. Recently, he has been instrumental in strengthening the quality of the dance program at Deerfield High School; and

WHEREAS, in both his role as a visual art teacher and as chair of a diverse department for 34 years, he has enhanced the curriculum significantly through the inclusion of new technologies, brain research and Discipline Based Art Education; and

WHEREAS, Dave grew up in Deerfield and the surrounding communities, he has worked to provide an outstanding art experience for all Deerfield students through history and tradition; and

WHEREAS, as Dave retires from Deerfield High School and District 113, the Village of Deerfield Fine Arts Commission would like to commend him and his excellent contributions to local art education by declaring Tuesday, April 25, 2000, as David Ritter Day;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 25, 2000, as DAVID RITTER DAY in Illinois.

Issued by the Governor April 25, 2000.

Filed by the Secretary of State May 9, 2000.

2000-246

AMICOS DE SER DAY

WHEREAS, SER Jobs for Progress, Inc. is a national organization that focuses on the unemployment and training needs of low income citizens and has been recognized throughout the nation as a community-based organization of demonstrated effectiveness; and

WHEREAS, Central States SER provides employment and training services to Illinois residents to promote their upward mobility and economic self-sufficiency and is the only agency providing services in Spanish to welfare clients in the Work First and Job Advantage programs; and

WHEREAS, SER Business and Technical Institute offers high quality

education and training to students to prepare them for a variety of entry level, automated office occupations within the business and technical fields; and

WHEREAS, together SER has placed over 500 clients and students in employment in the last year; and

WHEREAS, the 13th Annual Amigos de SER Recognition Luncheon and Job Fair has as its theme "SER: Leading the Way into the New Millennium";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 16, 2000, as AMIGOS DE SER DAY in Illinois.

Issued by the Governor April 26, 2000.

Filed by the Secretary of State May 9, 2000.

2000-247

MONSIGNOR IGNATIUS MCDERMOTT DAY

WHEREAS, Monsignor Ignatius McDermott is a native of Chicago's South Side and was ordained into the Priesthood in 1936; and

WHEREAS, Monsignor McDermott along with Dr. James West started the Haymarket House in 1973, a substance abuse treatment center for men, women and families, with inpatient and outpatient services; and

WHEREAS, Haymarket House was the first detoxification center in a freestanding, social setting in the State of Illinois. It now has five locations within the city and suburbs; and

WHEREAS, in 1979, he founded Intervention Instruction, Inc. (III) as a substance abuse education prevention agency; and

WHEREAS, in 1983, The McDermott Center was founded to support and further the many programs founded and operated by the Monsignor; and

WHEREAS, Father McDermott's programs have helped more than 100,000 individuals in the State of Illinois and are still helping to this day; and

WHEREAS, Father McDermott is known by Father Mac, Iggy, The Skid Row Priest, and The Apostle of the Alcoholic; and

WHEREAS, Monsignor McDermott, now 90+, is still young at heart; and

WHEREAS, Father Mac's motto is "When you no longer burn with love, others will die of the cold"; and

WHEREAS, Monsignor Ignatius McDermott has been chosen to receive The Humanitarian for the Millennium Award on April 28, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28, 2000, as MONSIGNOR IGNATIUS MCDERMOTT DAY in Illinois.

Issued by the Governor April 26, 2000.

Filed by the Secretary of State May 9, 2000.

2000-248

MOWEAQUA ROTARY DAY

WHEREAS, the Moweauqua Rotary Club held its first meeting on May 12, 1925, and was admitted by Rotary International on June 3, 1925; and

WHEREAS, the first meeting place was the basement of the Methodist Church and the club had to move several times before Haldon Ayars sold the present Rotary Building to the club for \$1 in 1966; and

WHEREAS, the Moweauqua Rotary Club is one of the only Rotary Clubs in Illinois to have its own building; and

WHEREAS, over the years, the Moweauqua Rotary Club has participated in

several outstanding projects to better the community including sponsoring a Boy Scout troop, raising \$8,000 to help eradicate polio, helping with city beautification, recycling, installing welcome signs at both edges of town, starting a scholarship fund and organizing the Christmas lights for the city; and

WHEREAS, the 75th Anniversary Gala for the Moweauqua Rotary Club is being held on May 13, 2000, in Moweauqua, Illinois; and

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 13, 2000, as MOWEAQUA ROTARY DAY in Illinois.

Issued by the Governor April 26, 2000.

Filed by the Secretary of State May 9, 2000.

2000-249

ADOLESCENT SUICIDE PREVENTION WEEK

WHEREAS, "Kids Under Twenty One" is a unique organization of youth and adult volunteers who promote youth-focused and peer facilitated crisis prevention, suicide intervention and postvention support services to young people; and

WHEREAS, KUVO works with youth in the Illinois counties of Madison, Monroe and St. Clair; and

WHEREAS, there are more than 30,000 reported suicide deaths in the United States every year; and

WHEREAS, in 1998 Illinois reported 904 completed suicides, 160 of which were young people between the ages of 15-24 years; and

WHEREAS, suicide is the third leading cause of death for youth aged 15-24; and

WHEREAS, the risk for human self-destruction can be reduced through awareness, education and treatment; and

WHEREAS, it is necessary to regard suicide as a major health problem and to support educational programs, research projects and intervention services;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 7-13, 2000, as ADOLESCENT SUICIDE PREVENTION WEEK in Illinois.

Issued by the Governor April 27, 2000.

Filed by the Secretary of State May 9, 2000.

2000-250

DR. CHARLES AND CANDACE ZICKUS DAY

WHEREAS, Charles J. Zickus, III, DVM, MS, has been a life-long resident of the State of Illinois and met Candace Joy Brooks while attending Mississippi State University; and

WHEREAS, Charles and Candace are to be wed on May 14, 2000, in Ellisville, Mississippi; and

WHEREAS, Charles and Candace will celebrate their vows of matrimony among loving friends and relatives in a ceremony officiated by Pastor David Allen of the West Ellisville Baptist Church; and

WHEREAS, the institution of marriage is one of the cornerstones upon which society is built;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 14, 2000, as DR. CHARLES AND CANDACE ZICKUS DAY in Illinois in recognition of this joyous occasion and the beginning of their life's journey together.

Issued by the Governor April 27, 2000.
Filed by the Secretary of State May 9, 2000.

2000-251

GET CAUGHT READING DAY

WHEREAS, the Get Caught Reading campaign, launched in 1999, enjoyed a successful first year and is anticipating even greater successes in 2000; and
WHEREAS, the campaign has been endorsed by publishers, such as Random House, Simon & Schuster, Warner Books, Penguin Putnam and Hearst Publishing; celebrities, such as Whoopi Goldberg, Rosie O'Donnell and Jake Lloyd; as well as many libraries; and

WHEREAS, the Internet, television and video games compete for a child's attention; and

WHEREAS, useful tips to promote reading include the following: get a child his or her own library card and let them pick out their own books; read stories again and again; buy books as gifts for all events; encourage new readers to read along or repeat their favorite lines; look for books that allow children to touch and feel the pictures; choose books with simple pictures that you can point at to explain the story; read a book and then discuss it with the child; ask questions about the characters or how the ending could be changed; make up your own stories; and create a home library and put the books on low shelves so children can reach them; and
WHEREAS, on May 2, 2000, book stores, librarians and community leaders are invited to organize events or activities which emphasize the importance of reading in one's daily life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2, 2000, as GET CAUGHT READING DAY in Illinois.

Issued by the Governor April 27, 2000.
Filed by the Secretary of State May 9, 2000.

2000-252

MENTAL HEALTH AWARENESS MONTH

WHEREAS, Mental Health Awareness is a community responsibility, and everyone in the community has a stake in taking a proactive approach to eliminating the stigma of mental health; and

WHEREAS, Mental Health Awareness Month is an opportunity for local citizens, social service agencies, governmental agencies, community groups and business to become active partners in acknowledging and supporting mental health programs, education and advocacy; and

WHEREAS, these partners work together to recognize that the development, delivery and education of mental health services enhances the quality of life in the community; and

WHEREAS, ProCare Centers invite the community to take part in the recognition of May as Mental Health Awareness Month;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2000 as MENTAL HEALTH AWARENESS MONTH in Illinois.

Issued by the Governor April 27, 2000.
Filed by the Secretary of State May 9, 2000.

2000-253

ELDER LAW MONTH

WHEREAS, the month of May traditionally has been proclaimed as Older Americans Month; and
WHEREAS, May is also observed as Law Month nationwide; and
WHEREAS, older Americans have legal needs that require special attention and knowledge;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2000 as ELDER LAW MONTH in Illinois.

Issued by the Governor April 28, 2000.
Filed by the Secretary of State May 9, 2000.

2000-254

INSURANCE WOMEN WEEK

WHEREAS, professional insurance women make a significant contribution to the risk and insurance industry; and
WHEREAS, they are increasingly effective locally and statewide in promoting public awareness of important issues such as tort reform, automobile safety, and drunk driving; and
WHEREAS, they are committed to maintaining the highest professional standards and ethics in the insurance industry; and

WHEREAS, professional insurance women are working effectively on a national level as the National Association of Insurance Women (International), which has reached a membership of more than 15,000; and
WHEREAS, these insurance professionals have earned recognition for their outstanding accomplishments in the economically vital insurance industry;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 21-27, 2000, as INSURANCE WOMEN WEEK in Illinois.

Issued by the Governor April 28, 2000.
Filed by the Secretary of State May 9, 2000.

2000-255

KATHY POSNER DAY

WHEREAS, Little City Foundation has completed 40 years of providing care, compassion, dedication and devotion to a specific segment of our community; and
WHEREAS, these services include housing, employment, recreation, foster care, adoption, home-based support and service coordination to children and adults with developmental disabilities; and
WHEREAS, in addition to its campus in Palatine, Little City Foundation operates facilities in Chicago, suburban Cook County and DuPage, Kane, Lake and McHenry Counties; and

WHEREAS, Little City Foundation relies on the wealth, the wisdom and the work of others to help sustain these programs; and
WHEREAS, one among this group, Kathy Posner, is to be recognized for her role in these efforts; and

WHEREAS, said Kathy Posner has been generous in giving of her personal resources and of her professional wisdom and of her individual work in organizing, promoting and supporting every fund-raising program of Little City Foundation; and
WHEREAS, the officers and members of the board of directors of the Little

City Foundation, in recognition of her continuing efforts in behalf of the organization, have chosen Kathy Posner as Board Member of the year; and WHEREAS, the Board will be joined by several hundred others in honoring Kathy Posner the evening of June 15, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 15, 2000, as KATHY POSNER DAY in Illinois.

Issued by the Governor April 28, 2000.

Filed by the Secretary of State May 9, 2000.

2000-256

OLDER AMERICANS MONTH

WHEREAS, "In the New Century, The Future is Aging"; and

WHEREAS, Older Americans have lived through times of depression and war, peace and prosperity, and helped shape the progress of this nation; and

WHEREAS, Older Americans are an integral part of the fabric of our great nation and the great State of Illinois; and

WHEREAS, Older Americans are living long and fulfilling lives and our nation faces new challenges as we seek to address the needs of this growing population; and

WHEREAS, a long life is treasured for all the possibilities it presents and for the opportunity to draw upon the experience-based wisdom of Older Americans; and

WHEREAS, Illinois cherishes the contributions of its older citizens, and the State celebrates the examples set by our elders;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2000 as OLDER AMERICANS MONTH in Illinois.

Issued by the Governor April 28, 2000.

Filed by the Secretary of State May 9, 2000.

2000-257

SMILES TAG DAYS

WHEREAS, throughout the past 41 years, Little City Foundation has been a nationally recognized leader in providing programs and services for persons with developmental challenges; and

WHEREAS, on October 5-7, 2000, Little City Foundation will hold its annual "Smiles for Little City" Tag Days throughout the State; and

WHEREAS, this annual tradition is made possible through the efforts of hundreds of Illinois residents who unselfishly volunteer their time and effort under the leadership of the Little City Foundation Parent/Family/Guardian Group; and

WHEREAS, the Little City Foundation has remained dedicated to helping individuals reach their full potential and live meaningful and productive lives with dignity and respect; and

WHEREAS, they are able supported by government, business and labor leaders across the State;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 5-7, 2000, as SMILES TAG DAYS in Illinois.

Issued by the Governor April 28, 2000.

Filed by the Secretary of State May 9, 2000.

2000-258

TELECOMMUNICATOR WEEK

WHEREAS, public safety telecommunications, specialists in operating state-of-the-art radio and computer-aided communications systems, are a cornerstone of the public safety community; and

WHEREAS, telecommunications continuously access, monitor and disseminate information of critical importance to the safety of public officials and the success of public safety goals; and

WHEREAS, these professional men and women effectively and efficiently function to help ensure the safety and protection of life, property and individual rights of the citizens of the State of Illinois; and

WHEREAS, it is appropriate to demonstrate the community's appreciation of their knowledge, training, service and dedication;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 10-14, 2000, as TELECOMMUNICATOR WEEK in Illinois.

Issued by the Governor April 28, 2000.

Filed by the Secretary of State May 9, 2000.

2000-259

AQUATIC WEEK

WHEREAS, individuals and organized forms of recreation and the creative use of free time are vital to the happy lives of all our citizens; and

WHEREAS, education, athletic, and recreation programs throughout the State of Illinois encompass a multitude of activities that can result in personal accomplishments, self-satisfaction and family unity for all citizens, regardless of their background, ability level or age; and

WHEREAS, citizens of Illinois should recognize the vital role that swimming and aquatic-related activities relate to good physical and mental health and enhance the quality of life for all people; and

WHEREAS, the State of Illinois is extremely proud of the swimming facilities and aquatic programs of this community, which provide a healthy place of recreation and a place to learn, grow and swim, while building self-esteem, confidence and a sense of self-worth to all ages; and

WHEREAS, the Lake Forest Swim Club will celebrate National Aquatic Week, May 21-28, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 21-28, 2000, as AQUATIC WEEK in Illinois.

Issued by the Governor May 1, 2000.

Filed by the Secretary of State May 9, 2000.

2000-260

CHAPTER SCHOOLS WEEK

WHEREAS, providing quality education to our young people is paramount to enriching their lives and helping them develop into healthy, happy, and well-adjusted adults; and

WHEREAS, Illinois is home to many operating charter schools that provide thousands of families with an important choice in education for their children; and

WHEREAS, charter schools encourage community and parental involvement in

the education of our young people; and WHEREAS, the State of Illinois applauds the accomplishments and contributions of charter school to public education;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 1-5, 2000, as CHARTER SCHOOLS WEEK in Illinois.

Issued by the Governor May 1, 2000.

Filed by the Secretary of State May 9, 2000.

2000-261

CORNELIA DE LANGE SYNDROME AWARENESS DAY

WHEREAS, the good health and general well-being of the people of Illinois is strengthened by our knowledge and understanding of a rare birth defect known as Cornelia de Lange Syndrome (CdLS); and

WHEREAS, Cornelia de Lange Syndrome can result in low birth weight, a slow rate of mental and physical development, and other physical complications; and WHEREAS, although a cause has not yet been discovered, dedicated medical professionals are presently involved in valuable research and education activities to explore new possibilities and to offer hope; and

WHEREAS, the Cornelia de Lange Syndrome Foundation, Inc., is a non-profit family support organization founded by concerned parents of children with CdLS, and is a leading advocate of increased public awareness about the syndrome; and WHEREAS, the mission of the Cornelia de Lange Syndrome Foundation includes promoting research, ensuring early and accurate diagnosis, and helping people with a diagnosis of CdLS, and others with similar characteristics, to make informed decisions throughout their lifetime; and

WHEREAS, Illinois is pleased to join people throughout our State and around the world in promoting a special celebration which seeks to raise awareness of Cornelia de Lange Syndrome, designed to have a positive and productive impact on the lives and experiences of people with CdLS and their caregivers;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 15, 2000, as CORNELIA DE LANGE SYNDROME AWARENESS DAY in Illinois.

Issued by the Governor May 1, 2000.

Filed by the Secretary of State May 9, 2000.

2000-262

ILLINOIS DEPARTMENT OF HUMAN RIGHTS DAY

WHEREAS, the Illinois Department of Human Rights was created in 1980, and charged with the responsibility of enforcing the provisions of the Illinois Human Rights Act; and

WHEREAS, it is the mission of the Department to secure for all individuals within the State of Illinois freedom from unlawful discrimination or sexual harassment in employment and in higher education; to establish and promote equal opportunity and affirmative action as the policy of this State in all of its decisions, programs and activities; and to make the Illinois Department of Human Rights an administrative standard of excellence in terms of the quality and quantity of its work product and the work environment for its employees; and

WHEREAS, this 20-year celebration will feature exhibits from other federal and State human/civil rights organizations, including the Equal Employment

Opportunity Commission, the Housing and Urban Development and the Illinois Human Rights Commission; and

WHEREAS, on June 15, 2000, the Illinois Department of Human Rights will celebrate the 20th anniversary of the Illinois Human Rights Act and the inception of the Agency. A full day of activities is planned for this 20-year anniversary celebration, including a ceremony on the Concourse Level of the James R. Thompson Center (JRTC), exhibits on the Ground Level of the JRTC and culminating with an evening reception at the Allegro Hotel;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 15, 2000, as ILLINOIS DEPARTMENT OF HUMAN RIGHTS DAY in Illinois.

Issued by the Governor May 1, 2000.

Filed by the Secretary of State May 9, 2000.

2000-263

POLIO AWARENESS WEEK

WHEREAS, the last epidemic of poliomyelitis in Illinois was in 1954, leaving an estimated ten to twelve thousand polio survivors; and WHEREAS, rehabilitation had proven to be successful until new symptoms began to surface within the polio population, about 25 to 30 years after the original onset of the disease; and

WHEREAS, Polio Survivors Organization Inc., is an organization dedicated to promoting research into the cause and eventual cure of these new, debilitating symptoms now called Post Syndrome; and

WHEREAS, according to research, 25 percent of all polio survivors will fall victim to Post Syndrome, including about three to four thousand Illinois citizens;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 5-11, 2000, as POLIO AWARENESS WEEK in Illinois.

Issued by the Governor May 1, 2000.

Filed by the Secretary of State May 9, 2000.

2000-264

UNITED CEREBRAL PALSY DAY

WHEREAS, United Cerebral Palsy of Illinois was founded in June of 1950 and will celebrate its 50th year of advocating for Illinois citizens with cerebral palsy and other disabilities; and

WHEREAS, United Cerebral Palsy of Illinois and its eight local affiliates (UCP of Blackhawk, Easter Seals/UCP of Central Illinois, UCP of Greater Chicago, UCP of East Central Illinois, UCP of Land of Lincoln, UCP of Mississippi Valley, UCP of Southern Illinois, and UCP of Will County) have been providing direct and indirect services for tens of thousands of persons with disabilities and their families during these 50 years; and

WHEREAS, United Cerebral Palsy of Illinois has initiated many prevention initiatives to lower the incidence of disabilities in children and adults; and

WHEREAS, persons with disabilities, parents and other volunteers have donated their time, expertise and commitment to the UCP cause, serving on the UCPJ and affiliates' board of directors, committees, fund raising projects and training programs; and

WHEREAS, United Cerebral Palsy of Illinois has been under the able administration and professional leadership of Don Moss and Alice Foss for the

past 11 years; and

WHEREAS, United Cerebral Palsy of Illinois has promoted the rights of all citizens with disabilities to enjoy their natural right to reaching their full potential for independent living;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 2, 2000, as UNITED CEREBRAL PALSY DAY in Illinois.

Issued by the Governor May 1, 2000.

Filed by the Secretary of State May 9, 2000.

2000-265

VILLAGE OF MCNABB DAYS

WHEREAS, the Village of McNabb was founded on April 28, 1900, and papers were filed with the County Clerk of Putnam County on that date. Judge John M. McNabb founded the village as a result of the railroad establishing a line through Magnolia Township; and

WHEREAS, McNabb is an agricultural center for the farming operations surrounding the area; and

WHEREAS, the village has its own telephone company, which began in 1896 when the first poles were installed and the lines strung; and

WHEREAS, McNabb remained an unincorporated area until 1959 when the McNabb Business Association was the spearhead for incorporation with the State of Illinois as a village; and

WHEREAS, McNabb, along with the surrounding area, has been a leader in the field of education and agricultural research. The village has a seed company, which has been in operation since the early 1900's and was a participant in the University of Illinois' agronomy experimental field; and

WHEREAS, the Society of Friends (Quakers) was established in and around the McNabb area in 1830, where they remain a positive influence; and

WHEREAS, on June 10th and 11th, the Village of McNabb will celebrate its 100th Anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 10-11, 2000, as VILLAGE OF MCNABB DAYS in Illinois.

Issued by the Governor May 1, 2000.

Filed by the Secretary of State May 9, 2000.

2000-266

HOMER BUTLER DAY

WHEREAS, Homer L. Butler, a citizen of the world, was a resident of the City of Springfield from 1971 until his death in 1997; and

WHEREAS, during 25 of those years, Homer served the State of Illinois, beginning as the Associate Dean of Students at Sangamon State University and culminating as the Vice Chancellor for Student Affairs at the University of Illinois at Springfield; and

WHEREAS, Homer was an active participant in the life of the greater Springfield community, including such things as Westminster Presbyterian Church, the Girl Scout Council, the NAACP, and "Sister Cities"; and

WHEREAS, Homer was a supporter/advocate of higher education throughout the State in organizations such as the Board of Regents, the Illinois Committee on Black Concerns in Higher Education, and the Midwest Deans Council; and

WHEREAS, Homer was an inspiration and joy to all he met; and

WHEREAS, the University of Illinois at Springfield today is honoring Homer's legacy by the dedication of its housing commons in his memory;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 30, 2000, as HOMER BUTLER DAY in Illinois.

Issued by the Governor May 2, 2000.

Filed by the Secretary of State May 9, 2000.

2000-267

NATIONAL SOCIETY OF ARTS AND LETTERS DAYS

WHEREAS, the National Society of Arts and Letters (NSAL) is a non-profit organization of men and women who are engaged professionally in the arts, or who actively support the work of talented young people between the ages of 14 to 30 in visual art, dance, drama, literature, and music. Since its founding in Washington, D.C. in 1944, thirty-five chapters have been established in the United States; and

WHEREAS, the Greater Chicago Chapter was established in 1993 by Lisa Gengler of Oak Brook; and

WHEREAS, NSAL has established the National Career Awards Competition to encourage and further professional careers in the creative and performing arts. These awards rotate every five years among the categories, and the Competition is a featured part of the National Convention each year, providing opportunity for young talent to be heard and seen by professional critics, managers, producers and teachers as well as patrons of the arts and members of the media; and

WHEREAS, this year, the National Society of Arts and Letters' national convention will be held May 17-20 in Oak Brook;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 17-20, 2000, as NATIONAL SOCIETY OF ARTS AND LETTERS DAYS in Illinois.

Issued by the Governor May 2, 2000.

Filed by the Secretary of State May 9, 2000.

2000-268

PUBLIC SAFETY DAY

WHEREAS, there are thousands of fire and police professionals in the State of Illinois; and

WHEREAS, these officers provide protection and life-saving services on a daily basis to the benefit of Illinois' residents; and

WHEREAS, communities throughout Illinois should honor and recognize these unsung heroes of public safety; and

WHEREAS, public safety officers and residents both benefit from activities that increase communication, understanding and appreciation of the many services provided by these officers; and

WHEREAS, it is important that all citizens do what they can to educate our youth about public safety professionals and to increase their interaction, communication and understanding of the practices and programs offered by police and fire professionals in their community; and

WHEREAS, it is appropriate to set aside a day to extend our appreciation and respect for the public safety workers who serve us locally, statewide and internationally as the unsung heroes who put their lives on the line everyday to serve and protect their respective communities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 9, 2000, as PUBLIC SAFETY DAY in Illinois.
 Issued by the Governor May 2, 2000.
 Filed by the Secretary of State May 9, 2000.

2000-269

FELIX DE WEIDON IWO JIMA MONUMENT DAY

WHEREAS, Felix de Weidon has, through his creativity, inspired millions of people around the world; and
 WHEREAS, Felix de Weidon has produced an incredible array of monumental art spanning five continents; and
 WHEREAS, Felix de Weidon was sculptor of the Iwo Jima Monument overlooking Washington, D.C.; and
 WHEREAS, Felix de Weidon has inspired generations of Americans to public service, democratic idealism and appreciation of classical art forms; and
 WHEREAS, Felix de Weidon came to Zion-Benton Township High School in Zion, Illinois, on the 55th Anniversary of V-E, Victory in Europe Day; and
 WHEREAS, Felix de Weidon will rededicate his Maquette of the famed Iwo Jima Monument in the Hall of Heroes at Zion-Benton High School, inspiring future generations to make a positive contribution in the context of positive teamwork and perseverance;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 8, 2000, as FELIX DE WEIDON IWO JIMA MONUMENT DAY in Illinois.
 Issued by the Governor May 3, 2000.
 Filed by the Secretary of State May 9, 2000.

Rules acted upon during the calendar quarter from Issue 17 through Issue 29 are listed in the Issues Index by Title number, Part number and Issue number. For example: 50 II. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jinalale@copstate.ny.us (internet address).

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